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HOUSE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF COLORADO.

SECOND SESSION.

BEGUN AT COLORADO CITY, ON THE 7th DAY OF JULY, 1862.
ADJOURNED TO DENVER, ON THE 11th DAY OF JULY

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HOUSE JOURNAL

OF THE

LEGISLATIVE ASSEMBLY of COLORADO.

SECOND SESSION.

MONDAY, JULY 7th, 1862

At the second session of the Legislative Assembly of the Territory of Colorado, the House of Representatives met at Colorado City, on Monday, the 7th day of July, A D 1862, pursuant to public resolution of Congress, No 30, approved May 21, A D 1862, and proclamation of the Governor of Colorado, dated May 24, A D 1862, there were present the following gentlemen, to-wit

Hon C F Holly, E S Wilhite, Edwin Scudder, J H. Noteware, O A Whittemore, Daniel Witter, Jesus M. Barela, G M Chilcott, Joseph Kenyon, Wm M Slaghter, D C Oakes, J W Hamilton, Wilbur F Stone, M S. Beach, D Powell, Raphael Martine, Francisco Gallejos.

In all, seventeen members

The House was called to order by Mr Slaughter,

And, on motion,

Mr Scudder was appointed Speaker *pro tem.*,

And, on motion of Mr. Noteware,

Wm Train Muir was appointed Clerk *pro tem*

The roll of members was then called, and there were found absent:

Hon. Messrs D. Steele, Wm A Rankin, J B. Chaffee, Geo. F Crocker, Victor Garcia, E O Hayes, C. G Hanscome, R. R. Harbour, and John Fosher

In all, nine members.

On motion of Mr Witter,

The House proceeded to elect by ballot a committee on credentials

On motion of Mr Slaughter

Messrs Noteware and Kenyon were appointed tellers,

And on motion of Mr Holly,

The committee were elected one at each ballot

At the first ballot seventeen votes were cast, of which Mr Wilhite received thirteen and was declared elected

At the second ballot sixteen votes were cast of which Mr Whittemore received nine, and was declared elected

At the third ballot seventeen votes were cast of which Mr Hamilton received twelve, and was declared elected

The committee on credentials therefore consisted of Messrs Wilhite Whittemore and Hamilton

On motion of Mr Slaughter

The House then adjourned till to-morrow morning at 10 o clock

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TUESDAY July 8th 1862

House met at 10 o clock pursuant to adjournment,

Mr Scudder in the chair

Roll of the House called

Absent,

Messrs Steele, Rankin Chaffee, Garcia Hayes Hanscome, and Harbour

Minutes of last meeting read and approved

Committee on credentials reported progress and asked for further time which was granted, and after a few minutes, the committee reported the following members present and entitled to seats in the House to-wit

Chas F Holly E S Wilhite Edwin Scudder, J H Noteware, O A *Whittemore*, D*aniel* Witter, George F Crocker, Jesus M Barela, G M Chilcott, Joseph Kenyon, W M Slaughter, D C Oakes, J W Hamilton, Wilbur F Stone, John Fosher M S Beach, D Powell, Raphael Martine and Francisco Gallegos

In all, nineteen members

On motion of Mr Chilcot,

The report of the committee was received

On motion of Mr Noteware,

The report was adopted, and the members therein enumerated be considered members of this House.

On motion of Mr Holly,

The Chair was requested to invite Mr Butte, a notary public and county clerk, to be in attendance and administer the oath of office to the members of the House

On motion of Mr Slaughter,

The Chair appointed a committee, consisting of Messrs Slaughter, Witter and Hamilton, to invite Mr Butte accordingly

Mr Butte then came into the House and administered the oath of office to sixteen of the members in the English language, and to the remaining three, to-wit Messrs Barela Martine and Gallejos, in the Spanish language, by means of Mr Dubreuille, an interpreter, who was previously sworn to act as such

On motion of Mr Noteware,

The House proceeded to elect an interpreter for the House

Nominations being in order,

Mr Kenyon nominated Mr Dubreuille

It was moved by Mr Holly, that the House vote by a call of the roll, and carried

Upon balloting for interpreter, there were nineteen votes cast, of which Mr Dubreuille received eighteen and Mr Dominguez one

Mr Dubreuille was therefore declared duly elected

Mr Witter moved that the rules of order of last House be adopted for the present, for the government of this House

Mr Slaughter moved as an amendment,

That the standing rules of the House of Representatives in Congress, as laid down in Jefferson s Manual, be applied, and govern in this House until rules are reported for its permanent government

The question was first taken on Mr Slaughter's amendment,

Which was lost

The question recurring on the original motion of Mr Witter,

It was carried

On motion of Mr Wilhite,

The Speaker was requested to invite some notary public or other officer authorized by law to administer oaths, to administer the oath of office to Mr. Dubreuille, as interpreter

On motion of Mr Gallejos,

The House then adjourned until two o clock

AFTERNOON SESSION

House met pursuant to adjournment

A quorum being present,

On motion of J. H. Noteware,

The House adjourned until to-morrow morning at 10 o'clock, in order to allow the Council to occupy the room there being but one room for the two bodies

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WEDNESDAY, JULY 9th, 1862

House met at 10 o'clock, pursuant to adjournment

Roll of House called—nineteen members present

Mr Dubreuille appeared, and the oath was administered to him to act as interpreter of the House by Mr Butte

Journal of preceding day was read and approved

On motion of Mr Noteware,

It was resolved that the House now proceed to elect a Speaker, and that the first ballot taken be an informal vote

Informal ballot—19 votes cast

Mr Chilcott received 1, Scudder, 2, Wilhite, 1, Witter, 3, Noteware, 1, Holly, 5, Hamilton, 1, Stone, 1, Kenyon, 1; Crocker, 1, Beach, 1, Barela, 1.

On motion of Mr. Noteware,

It was resolved that the House proceed now to the first formal ballot for Speaker, and continue balloting until a Speaker is elected

1st formal ballot—Whole number votes cast, 19, necessary to choice, 10

Messrs Chilcott, 1, Witter, 7, Noteware, 2, Holly, 9, no choice

2d ballot—Whole number of votes cast, 19, necessary to a choice, 10

Messrs Chilcott, 1, Witter, 8, Noteware, 1, Holly, 9; no choice.

3d ballot—Whole number of votes cast, 19, necessary to a choice, 10.

Messrs Chilcott, 1, Witter, 8; Noteware, 1, Holly, 9, no choice

4th ballot—Whole number of votes cast, 19, necessary to a choice, 10.

Messrs. Chilcott, 1, Witter, 8, Oakes, 1, Holly, 9; no choice.

5th ballot—Whole number of votes cast, 19, necessary to a choice, 10

Messrs. Chilcott, 1; Witter, 8, Whittemore, 1; Holly, 9, no choice.

Mr. Kenyon moved to adjourn until 2 o'clock this afternoon.

Lost.

6th ballot—Whole number of votes cast, 19; necessary to a choice, 10

Messrs Chilcott, 1, Witter, 8, Whittemore, 1; Holly, 9; no choice.

7th ballot—Whole number of votes cast, 19; necessary to a choice, 10

Messrs Chilcott, 1, Witter, 8, Whittemore, 1; Holly, 9; no choice

8th ballot—Whole number of votes cast, 19, necessary to a choice, 10

Messrs Chilcott, 1; Witter, 8, Whittemore, 1; Holly, 9; no choice

Moved by Mr Noteware that the House take a recess of twenty minutes

Lost

Moved by Mr Slaughter that the House adjourn until 2 o'clock, this afternoon.

Ayes and noes called for

Ayes—Wilhite, Scudder, Noteware, Whittemore, Witter, Kenyon, Slaughter and Hamilton—8.

Noes—Holly, Crocker, Barela, Chilcott, Oakes, Stone, Fosher, Beach, Martine, Powell and Gallejos—11.

Ayes 8, noes 11.

So the motion to adjourn was lost.

Mr. Slaughter moved that the House reconsider the vote, whereby it was resolved that we continue balloting for a Speaker until he be elected.

Lost

9th ballot—Whole number of votes cast, 19, necessary to a choice, 10.

Messrs Chilcott, 1, Witter, 8, Hall, 1; Whittemore, 1, Holly, 8, no choice.

10th ballot—Whole number of votes cast, 19; necessary to a choice, 10.

Messrs. Chilcott, 1; Witter, 8; Hall, 1; Holly, 9; no choice.

Moved by Mr. Kenyon that the House adjourn till 2 o'clock this afternoon.

Ayes and noes called for.

Ayes—Wilhite, Whittemore, Witter, Crocker, Kenyon, Slaughter and Hamilton—7.

Noes—Holly, Scudder, Noteware, Barela, Chilcott, Oakes, Stone, Fosher, Beach, Powell, Martine and Gallejos—12.

Ayes 7, noes 12.

So the motion to adjourn was lost.

11th ballot—Whole number of votes cast, 19; necessary to a choice, 10.

Messrs. Chilcott, 1, Witter, 8, Hall, 2, Holly, 7, Crocker, 1, no choice

Mr Slaughter moved that the House take a recess of twenty minutes

Ayes and noes called for

Ayes—Wilhite, Scudder, Noteware, Whittemore, Witter, Crocker, Kenyon, Slaughter, Oakes, Hamilton and Stone—11

Noes—Holly, Barela, Chilcott, Fosher, Beach, Powell, Martine, Gallejos—8

Ayes 11, noes 8

So the motion prevailed, and the House took a recess of twenty minutes.

House met after recess, whereupon,

Mr. Wilhite moved to adjourn till 2 o'clock

Ayes and noes called for

Ayes—Wilhite, Scudder, Whittemore, Witter, Kenyon, Slaughter, Oakes and Hamilton—8

Noes—Holly, Noteware, Crocker, Barela, Chilcott, Stone, Fosher, Beach, Powell, Martine and Gallejos—11.

Ayes 8, noes 11

So the motion to adjourn was lost

12th ballot—Whole number of votes cast, 19, necessary to a choice, 10

Messrs Chilcott, 1, Witter, 8, Crocker, 1, Holly, 9; no choice.

On motion of Mr Whittemore,

The House adjourned till 2 o'clock, p m.

AFTERNOON SESSION

House met at 2 o'clock, pursuant to adjournment and proceeded to the

13th ballot for Speaker of the House:

Whole number of votes cast nineteen, necessary to a choice ten.

Messrs. Chilcott received one, Witter eight, Whittemore one, Holly nine.

No choice.

14th ballot:

Whole number of votes cast nineteen, necessary to a choice ten.

Chilcott one, Witter eight, Whittemore one, Holly nine.

No choice.

15th ballot:

Whole number of votes cast nineteen, necessary to a choice ten.

Chilcott one, Witter eight, Whittemore two, Slaughter one, Holly five, Crocker two.

No choice.

16th ballot:

Whole number of votes cast nineteen, necessary to a choice ten.

Chilcott one, Witter eight, Whittemore one, Kenyon one, Holly seven, Crocker one.

No choice.

17th ballot:

Whole number of votes cast nineteen, necessary to a choice ten.

Chilcott one, Witter eight, Kenyon one, Crocker one, Holly eight.

No choice.

18th ballot:

Whole number of votes cast nineteen, necessary to a choice ten.

Chilcott one, Witter eight, Noteware one, Holly nine.

No choice.

19th ballot:

Whole number of votes cast nineteen, necessary to a choice ten.

Chilcott one, Witter seven, Kenyon one, Whittemore one, Gallejos one, Holly eight.

No choice.

20th ballot:

Whole number of votes cast nineteen, necessary to a choice ten.

Chilcott two, Witter seven, Kenyon one, Whittemore two, Holly seven.

No choice.

21st ballot:

Whole number of votes cast nineteen, necessary to a choice ten.

Chilcott one, Witter six, Kenyon two, Whittemore three, Holly five, Crocker one, Slaughter one.

No choice.

22nd ballot:

Whole number of votes cast nineteen, necessary to a choice ten.

Chilcott one, Witter six, Kenyon one, Whittemore four, Holly six, Stone one.

No choice.

Mr. Slaughter moved that the House suspend the rule and proceed to the election of all the other officers of the House.

Ayes and noes called for.

Ayes—Messrs. Wilhite, Scudder, Noteware, Whittemore, Witter, Kenyon, Slaughter, Oakes, and Hamilton—9.

Noes—Holly, Crocker, Barela, Chilcott, Stone, Fosher, Beach, Powell, Martine and Gallejos—10.

Ayes 9, nays 10.

So the motion to suspend was lost.

Mr. Slaughter then moved

That the House rescind the resolution under which the House continues balloting for Speaker, so as to admit of the election of a sergeant-at-arms.

Ayes and noes called for.

Ayes—Wilhite, Scudder, Noteware, Whittemore, Witter, Kenyon, Slaughter, Oakes, Hamilton and Powell—10.

Noes—Holly, Crocker, Barela, Chilcott, Stone, Fosher, Beach, Martine and Gallejos—9.

Ayes 10, nays 9.

So the motion prevailed.

Nominations for sergeant-at-arms being in order,

Mr. Noteware nominated Capt. Sopris,

And, Mr. Crocker nominated Mr. Elmer.

And upon taking the vote for sergeant-at-arms, the whole number of votes cast was nineteen, necessary to a choice ten.

R. Sopris received fifteen, E. P. Elmer received four.

R. Sopris having received a majority of all the votes cast he was declared elected sergeant-at-arms of the House.

Mr. Slaughter moved

That the House rescind the resolution under which it is acting, so as to admit of the election of doorkeeper, page and chaplain of the House.

Carried.

Mr. Beach nominated, as doorkeeper, James McGee,

And upon taking the votes for doorkeeper, there were nineteen votes cast, necessary to a choice ten.

James McGee received fourteen, S. F. Shafer four, S. W. Wagonner one.

James McGee having received a majority of all the votes cast, he was declared elected doorkeeper of the House.

Nominations for page being in order,

Mr. Noteware nominated Master Pratt,

And upon taking the vote for page, Master Pratt received nineteen votes, and was declared elected page of the House.

Mr. Beach nominated Rev. Wm. Howbert as chaplain, and

Mr. Noteware nominated Mr. Billingsley.

Upon balloting for chaplain the whole number of votes cast was nineteen, necessary for a choice ten.

Mr. Howbert received eighteen, Mr. Billingsley one.

Whereupon Rev. Mr. Howbert was declared elected chaplain of this House.

It was moved by Mr. Slaughter,

That the House rescind the resolution under which it is now acting, so as to admit of the election of a chief and assistant clerk of the House.

Carried.

Nominations for chief clerk being in order,

William Train Muir was nominated.

And upon balloting for chief clerk there were nineteen votes cast, necessary to a choice ten.

Wm. Train Muir received nineteen votes, and was declared elected chief clerk of the House.

Nominations for first assisstant clerk being in order,

E. P. Elmer was nominated by Mr. Noteware, and

N. G. Pratt by Mr. Chilcott.

Upon taking the vote for first assisstant clerk, there were nineteen votes cast, necessary to a choice ten.

E. P. Elmer received twelve votes, N. G. Pratt seven.

Mr. Elmer having received a majority of all the votes cast, he was declared elected first assistant clerk of the House.

On motion of Mr. Holly,

A committee of three was appointed by the Speaker to invite Hon. B. F. Hall, Chief Justice of the Territory, to administer the oath of office to the officers of the House already elected.

The Speaker appointed Messrs. Holly, Noteware and Chilcott, as such committee.

On motion of Mr. Barela,

The House adjourned until to-morrow morning at 10 o'clock.

THURSDAY JULY 10th, 1862.

House met at 10 o'clock pursuant to adjournment.

Roll of House called—nineteen members present.

After prayer by the chaplain,

The journal of the preceding day was read and approved.

Committee reported that they had waited upon Judge Hall as instructed, and that he agreed to be present to-day.

23d ballot for Speaker was then had:

Nineteen votes cast,

Of which Holly received nine, Witter eight, scattering two.

No choice.

24th ballot:

Nineteen votes cast,

Witter received eight, Holly nine, scattering two.

No choice.

25th ballot:
Nineteen votes cast.
Witter received eight, Holly nine, scattering two.
No choice.
26th ballot:
Crocker seven, Witter eight, Noteware one, Powell two, Stone one.
No choice.
27th ballot:
Crocker eight, Witter three, scattering three.
No choice.
28th ballot:
Crocker nine, Scudder seven, scattering three.
No choice.
29th ballot:
Crocker nine, Whittemore eight, scattering two.
No choice.
30th ballot:
Crocker nine, Witter three, Whittemore three, scattering four.
No choice.
31st ballot:
Crocker eleven, Noteware three, scattering five.

Mr. Crocker having received a majority of all the votes cast, was declared duly elected as Speaker of the House of Representatives.

Mr. Holly moved to make the election of Mr. Crocker unanimous.

Mr. Witter moved to lay the motion on the table.

Ayes and noes called for on the motion to lay on the table.

Ayes—Wilhite, Noteware, Whittemore, Crocker, Barela, Slaughter, Oakes, Stone and Witter—9.

Noes—Holly, Chilcott, Kenyon, Hamilton, Fosher, Beach, Powell, Martine, Gallejos and Scudder—10.

Ayes 9, noes 10.

So the motion to table was lost.

The question recurring on the original motion,

It was carried.

On motion of Mr. Holly,

A committee of three was appointed by the Chair, to conduct the Speaker to the Chair.

Committee consists of Messrs. Holly, Stone and Slaughter.

Mr. Crocker was then conducted by the committee to the Speaker's chair, and the oath of office was administered by Hon. B. Hall, Chief Justice of the Territory.

His Honor then administered the oath of office to Wm. Train Muir, as chief clerk; E. P. Elmer, assistant clerk; R. Sopris, sergeant-at-arms; and James McGee as doorkeeper.

On motion of Mr. Stone,

A committee of three was appointed to wait upon the Council, to inform that body of the organization of the House.

Messrs. Stone, Scudder and Kenyon, were appointed such committee.

On motion of Mr. Holly,

The rules of the House were suspended to enable him to introduce a bill to provide for the election of a Delegate to Congress, and members of the Legislature of Colorado Territory.

The rules of the House being suspended,

Mr. Holly then asked leave to introduce

H. B. No 1.

Leave being granted,

Mr. Holly introduced

H. B. No. 1.

And, on motion, the bill was read a first, second and third time, and put upon its final passage.

Ayes—Holly, Wilhite, Whittemore, Noteware, Witter, Barela, Chilcott, Slaughter, Oakes, Hamilton, Fosher, Beach, Powell, Martine, Gallejos and Mr. Speaker—16.

Noes none.

Absent—Stone, Scudder and Kenyon, on committee.

Bill passed,

And title amended by adding the words "and members of House of Representatives of Colorado Territory."

Title of bill as amended agreed to.

The Speaker then appointed as engrossing committee, Whittemore, Stone and Powell,

And, as enrolling committee, Wilhite, Beach and Slaughter.

Mr. Holly moved the following joint resolution:

Resolved, by the House of Representatives of Colorado Territy, the Council concurring, That a joint committee consisting of three members on the part of the House, and two members on the part of the Council, be appointed to inform His Excellency, the Governor, that this Legislative Assembly is duly organized, and ready to receive any communication which he may see proper to make.

Ayes and noes called for.

Ayes—Holly, Wilhite, Noteware, Whittemore, Barela, Chilcott, Oakes, Hamilton, Stone, Fosher, Beach, Powell, Martine, Gallejos and Mr. Speaker—15.

Noes—Witter, Scudder, Kenyon and Slaughter—4.

Ayes 15, noes 4.

So the motion prevailed.

The Speaker appointed as such committee, on the part of the House, Messrs. Holly, Fosher and Barela.

The committee appointed to notify the Council of the organization of the House,

Reported they had discharged the duty prescribed for them.

On motion of Mr. Stone,

The clerk was ordered to make out and use an alphabetical list of the members of this House.

Mr. Whittemore moved the adoption of the following resolution:

Resolved, by the House of Representatives, the Council concurring, That this House, when it adjourns, adjourn to meet on Monday, the 14th inst., at 2 o'clock P. M., in the city of Denver.

It was moved by Mr. Holly, to lay the resolution on the table.

Ayes and noes called for on the motion to table.

Ayes—Holly, Noteware, Barela, Scudder, Chilcott, Stone, Fosher, Beach, Powell, Martine, Gallejos and Mr. Speaker—12.

Noes—Whittemore, Witter, Kenyon, Slaughter, Oakes and Hamilton—6.

Absent—Wilhite.

Ayes 12, noes 6.

So the resolution of Mr. Whittemore was laid upon the table.

The House then took a recess of thirty minutes.

After recess a verbal communication was received from a committee from the Council, consisting of Messrs. Colby, Loveland and Graham, informing the House of the organization of the Council, and soliciting the House to appoint a committee to co-operate with a committee from the Council, to wait upon His Excellency the Governor, if he can be found at the Capitol of Colorado, and inform him of the organization of the Legislature, and that they were ready to receive any commnnication he might see fit to make to this Legislature.

Mr. Holly moved to respond to the communication from the Council by appointment of a committe of three, instructing them to urge upon the Council the adoption of the joint resolution heretofore adopted.

Carried.

Committee consisted of Messrs. Holly, Wilhite and Oakes.

On motion of Mr. Hamilton,

The thanks of the House were tendered to Mr. Scudder for his courteous and able conduct as Speaker, *pro tem.*

On motion of Mr. Noteware,

The House adjourned till 1½ o'clock P. M.

AFTERNOON SESSION.

House of Reprsentatives met at 1½ o'clock, P. M., pursuant to adjournment.

Call of the House was ordered,

And Messrs. Holly, Hamilton, Kenyon, Stone and Wilhite, were absent.

The sergeant-at-arms was dispatched for the absentees.

The absentees having appeared in the House,

Mr. Noteware moved to suspend further proceedings under the call, which was

Carried.

Mr. Noteware presented a communication from the Hon. Sam. H. Elbert, Secretary of the Territory, as follows:

EXECUTIVE DEPARTMENT COLORADO TERRITORY,
SECRETARY'S OFFICE, DENVER, July 4, 1862.

To the Hon., the Members of the Legislative Assembly of Colorado Territory:

GENTLEMEN: There seems to be a misunderstanding as to the position I occupy. No part of the $20,000 appropriation is placed to my credit, except upon my requisition. On the 7th of last month I made the requisition hereto attached. This was presented to Mr. Whittlesey, First Comptrollor o the Treasury, and he declined, as I am informed by Judge Bennet, to place the money to my credit, on the ground that the Legislature was illegally constituted. The entire matter was submitted to Secretary Chase on the 19th proximo, and until he reverses Mr. Whittlesey's opinion, and causes money to be placed to my credit, I cannot, in duty to Government, act. As soon as I hear the decision of Secretary Chase, I will notify you of it. I have no discretion in the matter; the intructions of the Department constitute the law under which I act.

Respectfully your obedient servant,

SAM. H. ELBERT,
SECRETARY of Colorado Territory.

OFFICE OF SECRETARY OF TERRITORY OF COLORADO,
DENVER, July 1st, 1862.

HON. S. P. CHASE, Secretary of Treasury,
Washington, D. C.

SIR: The second regular session of the Legislative Assembly of Colorado Territory commences on the first Monday of the present month, and I shall require money to meet the following expenditures, to wit:

Per diem of members of both Houses,	$5,000.
Mileage, " " "	1,000.
Pay of officers and employees " "	2,000.
Incidental expenses for the half year, from July 1st, to December 1st, 1862	4,000.
Total,	$12,000.

The estimates cannot be accurately made, but the above approximates the amount. I should much prefer that you place the above amount to my credit in New York city, as I can much more readily negotiate my drafts on New York than on any other depository.

The fact that the Legislature meets on the 7th inst. will suggest prompt action in order that I may be able to pay the members at the close of the session.

With great respect,

Your obedient servant,

SAM. H. ELBERT,

Secretary of Colorado Territory.

Mr. Holly, from committee, read communication forwarded by the committee to Gov. Evans, as follows:

To His Excellency, Gov. John Evans:

The undersigned joint committee, on behalf of the Council and House of Representatives of Colorado Territory, appointed under the following joint resolution, to-wit:

Resolved, by the House of Representatives of Colorado Territory, the Council concurring, That a joint committee consisting of three members on the part of the House, and two members on the part of the Council, be appointed to inform His Excellency the Governor, that this Legislative Assembly is duly organized, and ready to receive any communication which he may see proper to make."

Beg leave to inform your Excellency that the Council and House of Representatives of Colorado Territory are now duly organized, Hon. N. J. Bond having been elected President of the Council, and John Howard as Secretary, and Hon. George F. Crocker, Speaker of the House of Representatives, and Wm. Train Muir, Chief Clerk; and that the Legislative Assembly, composed of said Council and House of Representatives is ready to receive any communication which your Excellency may see proper to make.

Hoping that your Excellency may deem it your duty to co-operate with this co-ordinate branch of the Legislative Assembly in the enactment of such laws as may be deemed neces-

sary to the want of the people of this Territory, we are, with sentiments of high respect,

Your ob't servants,

C. F. HOLLY,
JOHN FOSHER,
J. M. BARELA,
Committee of the House.
A. U. COLBY,
H. R. HUNT,
Committee of the Council.

COLORADO CITY, July 10, 1862.

Mr. Holly asked that the rules be suspended so as to enable him to introduce a bill.

Leave being granted,

Mr. Holly introduced H. B. No. 2, entitled "An act to frame a Constitution and State Government for the State of Colorado."

Mr. Holly moved that the bill be read a first and second time, and referred to a special committee of three.

Mr. Witter moved to amend by referring to the committee of the whole.

Amendment lost.

The question was then on the passage of the original motion, and it was carried.

H. B. No. 2 was read first time.

Bill read second time by its title, and referred to a special committee, consisting of Messrs. Holly, Scudder and Whittemore.

Mr. Slaughter moved the adoption of the following resolution:

Resolvvd by the House of Representatives, the Council concurring, That when this House adjourn it adjourn to meet at Colorado City, on the first Monday in August next, at 2 o'clock, p. m.

Mr. Holly moved to lay the resolution upon the table.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Holly, Martine, Noteware, Oakes, Powell, Stone, and Mr. Speaker —12.

Noes—Hamilton, Kenyon, Slaughter, Scudder, Witter and Whittemore—6.

Ayes 12, noes 6.

Absent—Wilhite.

So the resolution was laid upon the table.

Mr. Holly moved the adoption of the following resolution:

Resolved, by the House of Representatives, the Council concurring, That the two Houses meet in joint convention in the

hall of the House of Representatives on Friday, the 11th instant, at 10 o'clock in the forenoon, to consider of the expediency of adjourning this Legislature *sine die*, or of removing its session to another locality, or of taking any other action in the premises.

Mr. Witter moved to lay the resolution on the table.

Carried.

So the resolution was laid upon the table.

Mr. Gallejos moved the adoption of the following resolution:

Resolved, by the Council and House of Representatives, That a translator be appointed to translate the laws from the English into the Spanish, and that it shall be the duty of said translator, as soon as a member offers a bill, to translate the same from the English into the Spanish, or from the Spanish into the English.

Mr. Holly moved to amend by adding the words, "provided no charge be made therefor against the Territory."

Amendment carried.

Resolution as amended was adopted.

Mr. Gallejos nominated Mr. Dubreuille as translator, and on motion he was elected as such.

Mr. Speaker then administered the oath of office to Mr. Dubreuille as translator.

Mr. Scudder moved that when this House adjourn it adjourn to meet at Colorado City on the first day of August, 1862, at 2 o'clock, p. m.

Mr. Powell moved to lay the motion upon the table.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Holly, Martine, Noteware, Oakes, Powell, Stone, Wilhite, and Mr. Speaker—13.

Noes—Hamilton, Kenyon, Slaughter, Scudder, Whittemore and Witter—6.

So the motion of Mr. Scudder was laid upon the table.

The assistant secretary of the Council appeared with the following communication:

COUNCIL CHAMBER, July 10th, 1862.

MR. SPEAKER:—I have the honor to inform the House of Representatives that the Council has concurred in the joint resolution of the House to appoint a committee, to act with a like committee on the part of the House, to wait on His Excellency, and inform him that both houses are organized, and ready to receive any communication he may have to make. The Council have appointed Messrs. Colby and Hunt such committee.

JNO. HOWARD, Sec'y Council.

Mr. Gallejos moved the adoption of the following resolution:

Be it resolved by the Council and House of Representatives of the Territory of Colorado, That a committee of five members be appointed to address a memorial to the General Congress to inform it of the state of the Ute tribes, which are within the limits of the Territory of Colorado.

On motion of Mr. Holly,

The resolution was referred to the committee on territorial affairs, hereafter to be appointed.

Mr. Witter moved to take from the table the resolution of Mr. Whittemore to adjourn to Denver.

Ayes and noes called for.

Ayes—Fosher, Hamilton, Kenyon, Noteware, Oakes, Powell, Slaughter, Stone, Scudder, Wilhite, Whittemore, and Witter—12.

Noes—Barela, Beach, Chilcott, Gallejos, Holly, Martine, and Mr. Speaker—7.

Ayes 12, noes 7.

So the resolution was taken from the table.

Mr. Holly made a point of order, that the resolution to adjourn to Denver is out of order.

The Chair decided the resolution in order.

Mr. Witter moved to amend by inserting the word "to-morrow" after "adjourns" in the resolution.

Mr. Holly moved that the resolution be indefinitely postponed.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Gallejos, Holly, Martine, Powell, Stone, and Mr. Speaker—9.

Noes—Fosher, Hamilton, Kenyon, Noteware, Oakes, Slaughter, Scudder, Wilhite, Whittemore, Witter—10.

Ayes 9, noes 10.

So the motion to postpone was lost.

The question on the amendment was then put and carried.

Mr. Holly then moved to lay the resolution, as amended, on the table.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Holly, Martine, Powell, Stone, and Mr. Speaker—10.

Noes—Hamilton, Kenyon, Noteware, Oakes, Slaughter, Scudder, Wilhite, Whittemore, Witter—9.

Ayes 10, noes 9.

So the resolution was laid on the table.

Mr. Noteware moved that the House adjourn till to-morrow morning at 10 o'clock.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Holly, Martine, Noteware, Oakes, Stone, and Mr. Speaker—11.

Noes—Hamilton, Kenyon, Powell, Slaughter, Scudder, Wilhite, Whittemore, Witter—8.

Ayes 11, noes 8.

So the motion prevailed,

And the House adjourned until to-morrow morning at 10 o'clock.

FRIDAY, July 11th, 1862.

House met at 10 o'clock, pursuant to adjournment.

Roll called, and nineteen members present as heretofore.

After prayer by the chaplain, the journal of the preceding day was read and approved.

The Speaker appointed the following standing committees:

On Judiciary—Holly, Stone and Slaughter.

Ways and Means—Scudder, Noteware and Powell.

Incorporations—Chilcott, Kenyon and Fosher.

County and County Lines—Powell, Wilhite and Hamilton.

Education—Whittemore, Oakes and Barela.

Elections and Apportionment—Beach, Holly and Gallejos.

Military Affairs—Noteware, Witter and Chilcot.

Territorial Affairs—Slaughter, Kenyon and Gallejos.

Federal Relations—Kenyon, Fosher and Scudder.

Printing—Witter, Oakes and Martine.

Rules and Joint Rules—Hamilton, Barela and Wilhite.

Roads and Bridges—Fosher, Wilhite and Scudder.

Mines and Minerals—Stone, Noteware and Hamilton.

Agriculture—Oakes, Chilcott and Martine.

Indian Relations—Gallejos, Whittemore and Beach.

Mr. Holly, from the judiciary committee, asked leave to introduce "A bill for a joint resolution for the districting of the Territory into judicial districts, and assigning the judges thereof."

Leave being granted,

Mr. Holly introduced

H. B. No. 3,

Which was read a first time.

H. B. No. 3, was then read a second time by its title.

Mr. Slaughter moved that the resolution, laid upon the table at the hour of adjournment yesterday, be taken from the table and considered.

Ayes and noes called for.

Ayes—Hamilton, Kenyon, Noteware, Oakes, Slaughter, Scudder, Wilhite, Whittemore and Witter—9.

Noes—Beach, Barela, Chilcott, Fosher, Gallejos, Holly, Martine, Powell, Stone, and Mr. Speaker—10.

Ayes 9, noes 10.

So the motion lays upon the table.

Mr. Barela introduced the following resolution:

Resolved, by the Council and House of Representatives, That the rules of the House be observed, and that the members of the House take their seats apart from those who are not members.

Mr. Noteware moved that the resolution be laid upon the table.

Carried.

Mr. Hamilton moved the following resolution:

Resolved, by the House of Representatives, the Council concurring and the Governor approving, That when this Legislative Assembly adjourn this afternoon it adjourn to meet at Golden City, on Wednesday, the 16th July, 1862, at 2 o'clock p. m.

Mr. Fosher moved to strike out Golden City, and insert Cañon City.

Mr. Holly moved to amend the amendment by inserting Colorado City.

The question being first taken upon the amendment to the amendment,

The ayes and noes were called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Holly, Martine, Stone, and Mr. Speaker—9.

Noes—Hamilton, Kenyon, Noteware, Oakes, Powell, Slaughter, Scudder, Wilhite, Whittemore, Witter—10.

Ayes 9, noes 10.

So the amendment to the amendment was lost.

The question recurring on Mr. Fosher's amendment,

The ayes and noes were called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Martine, Scudder and Mr. Speaker—8.

Noes—Holly, Hamilton, Kenyon, Noteware, Oakes, Powell, Slaughter, Stone, Wilhite, Whittemore and Witter—11.

Ayes 8, noes 11.

So the amendment to insert Cañon City was lost.

The question now recurring on the original motion to adjourn to Golden City,

The ayes and noes were called for.

Ayes—Hamilton, Kenyon, Noteware, Oakes, Slaughter, Scudder, Wilhite, Whittemore and Witter—9.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Holly, Martine, Powell, Stone, and Mr. Speaker—10.

Ayes 9, noes 10.

So the motion to adjourn to Golden City was lost.

Mr. Scudder then moved to adjourn to meet at Colorado City, the 2d day of August next, at 2 o'clock, p. m.

Mr. Whittemore moved to amend by inserting Breckinridge in place of Colorado City.

Mr. Noteware desired to amend the amendment, when the Speaker declared the amendments were not in order.

Mr. Holly moved to lay Mr. Scudder's resolution to adjourn upon the table.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Holly, Hamilton, Noteware, Martine, Oakes, Powell, Stone, and Mr. Speaker—13.

Noes—Kenyon, Slaughter, Scudder, Wilhite, Whittemore and Witter—6.

Ayes 13, noes 6.

So the motion prevailed,

And the resolution to adjourn till the 2d day of August was laid upon the table.

Mr. Holly then moved that the House take up and consider H. B. No. 3.

Mr. Slaughter moved to lay Mr. Holly's motion on the table.

Ayes and noes called for.

Ayes—Hamilton, Kenyon, Noteware, Oakes, Slaughter, Wilhite, Whittemore, and Witter—8.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Holly, Martine, Powell, Stone, Scudder and Mr. Speaker—11.

Ayes 8, noes 11.

So the motion was lost.

Mr. Slaughter then moved the House adjourn till 2 o'clock, p. m.

Ayes and noes called for.

Ayes—Gallejos, Kenyon, Martine, Oakes, Slaughter, Wilhite, Whittemore—7.

Noes—Barela, Beach, Chilcott, Fosher, Holly, Hamilton, Noteware, Powell, Stone, Scudder, Witter, Mr. Speaker—12.

Ayes 7, noes 12.

So the motion to adjourn was lost.

The question then recurring on Mr. Holly's motion,

Mr. Witter rose to a point of order,

And the Speaker decided the point well taken.

Mr. Holly then moved a suspension of the rules so as to take up

H. B. No. 3.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Holly, Martine, Powell, Stone, and Mr. Speaker—10.

Noes—Hamilton, Kenyon, Noteware, Oakes, Slaughter, Scudder, Wilhite, Whittemore and Witter—9.

Ayes 10, noes 9.

So the motion was lost, requiring a two-thirds vote.

Mr. Noteware moved the adoption of the following resolution:

Resolved by the House of Representatives, the Council concurring and the Governor approving, That when this Legislative Assembly adjourn this afternoon, it stand adjourned to meet at Denver City, on Wednesday, the 16th day of July, 1862, at 10 o'clock, a. m.

Mr. Fosher moved to make this resolution the special order for 2 o'clock this afternoon.

Carried.

Mr. Holly then moved the rules be suspended, so as to take up and consider

H. B. No. 3,

Which motion was carried.

The Clerk then read

H. B. No. 3 by sections,

Upon the motion of Mr. Stone.

Mr. Witter moved to strike out all after the enacting clause, and insert the following:

SEC. 1. That the Hon. Allen A. Bradford be assigned to the third judicial district, as heretofore organized.

Ayes and noes called for.

Ayes—Slaughter, Scudder, Wilhite, Witter—4.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Holly, Hamilton, Kenyon, Martine, Noteware, Oakes, Powell, Stone, Whittemore, and Mr. Speaker—15.

Ayes 4, noes 15.

So the amendment of Mr. Witter was lost.

Mr. Witter moved to amend section five, by striking out "Pueblo," and inserting "Fairplay."

Ayes and noes called for.

Ayes—Hamilton, Kenyon, Slaughter, Whittemore, Witter, and Mr. Speaker—6.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Holly, Martine, Oakes, Powell, Stone, Scudder, and Wilhite—12.

Mr. Noteware was excused.

Ayes 6, noes 12.

So the amendment was lost.

Mr. Powell moved to amend section five, second paragraph, by adding the following words: "*Provided*, That the first session of the district court for the second judicial district, be held in Cañon City instead of Pueblo."

Carried.

Mr. Holly then moved that
H. B. No. 3, for joint resolution,
Be passed as amended.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Holly, Hamilton, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Stone, Scudder, Wilhite, Whittemore, and Mr. Speaker—18.

Noes—Witter—1.

Ayes 18, noes 1.

So the bill passed and title was agreed to.

On motion of Mr. Fosher,

The House adjourned till 2 o'clock, p. m.

AFTERNOON SESSION.

House met at 2 o'clock, pursuant to adjournment.

On motion of Mr. Wilhite,

Call of the House was had.

Absent—Chilcott and Powell.

Absentees reported in their seats, and further proceedings under the call were dispensed with.

The special order of business being the consideration of Mr. Noteware's resolution to adjourn to Denver,

On motion the resolution was adopted.

On motion of Mr. Holly,

The House took a recess, to be called together by the Speaker.

After recess the Speaker appeared and called the House to order.

Message was received from the Council as follows:

COUNCIL CHAMBER, July 11th, 1862.

MR. SPEAKER:—I have the honor to inform you that the Council have concurred, and passed

H. B. No. 3, a bill for a joint resolution for the districting of the Territory in judicial districts, assigning the judges thereof, and fixing the time of holding the courts.

Also,

H. B. No. 1, entitled "An act to provide for the election of a delegate to Congress, and members of the House of Representatives of Colorado Territory."

Also,

A joint resolution to adjourn to Denver.

Very respectfully,

JNO. HOWARD,
Secretary of the Council.

Mr. Holly moved the adoption of the following resolution:

Resolved, That the thanks of this House are due to the citizens of Colorado City for the conveniences and accommodations furnished us, and their hospitality generally.

Which was unanimously adopted.

The committee on enrollments reported

H. B. Nos. 1 and 3,

And,

J. R. No. 2, as orrect.

Mr. Witter moved that the Clerk be ordered to furnish a copy of the House journal to the public printer for publication, and to furnish each member with three copies of the same.

Carried.

Mr. Stone moved that the Clerk be ordered to procure one hundred copies of the journal in the Spanish language, if practicable, for the use of the Mexican members of the House.

Carried.

Mr. Holly moved the adoption of the following resolution:

Resolved, That this House do now adjourn until the second Monday in August, 1862, in case the joint resolution for the adjournment of the Legislative Assembly to Denver shall fail to become a law.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Holly, Hamilton, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Stone, Scudder, and Mr. Speaker—16.

Noes—Whittemore and Witter—2.

Absent—Wilhite.

Ayes 16, noes 2.

So the House adjourned.

WEDNESDAY, JULY 16th, 1862.

House met in the city of Denver on Wednesday, the 16th of July, A. D. 1862, at 10 o'clock, pursuant to adjournment.

Roll of the House called.

Absent—Beach, Chaffee, Garcia, Hanscome, Harbour, Hayes Oakes, Rankin, Scudder, Steele and Wilhite.

After prayer by the Chaplain,

On motion of Mr. Holly,

The reading of the journal was dispensed with.

Mr. Scudder appeared and took his seat.

Mr. Holly, from committee, reported he had waited upon His Excellency, the Governor, and informed him of the or-

ganization of the Legislature, and that his Excellency would communicate with the Legislature to-morrow.

Report was received and committee discharged.

Mr. Holly moved the adoption of the following joint resolution:

Resolved, by the House of Representatives, the Council concurring, That the Council and House meet in the Hall of the House of Representatives to-morrow morning at 10 o'clock, in joint convention, to receive any message which His Excellency, the Governor, may see proper to communicate,

Which was adopted.

Mr. Holly offered the following resolution:

Resolved, That the sergeant-at-arms be directed to assign seats to the members by lot or otherwise as they may mutually agree.

Which was adopted.

Mr. Fosher offered the following resolution:

Resolved, That the committee on counties be instructed to inquire into the condition of the unorganized counties in this Territory, and report at as early a day as possible, by bill or otherwise.

Adopted.

Mr. Holly, from committee on judiciary, offered the following resolution:

Resolved, That the committee on judiciary be authorized to employ a clerk.

Mr. Witter moved to lay the resolution on the table.

Ayes—Fosher, Gallejos, Hamilton, Kenyon, Martine, Scudder, Whittemore and Witter—8.

Noes—Barela, Chilcott, Holly, Noteware, Powell, Slaughter, Stone and Mr. Speaker—8.

Ayes 8, noes 8.

So the motion to lay on the table was lost.

Mr. Witter moved to amend the resolution of Mr. Holly, by adding the following words:

"At a rate per folio for writing done to be fixed by the House."

Amendment was accepted, and the resolution, as amended,

Was adopted.

Mr. Holly offered the following resolution:

Resolved, That this House now proceed to the election of another page, of an enrolling and of an engrossing clerk.

Which was adopted.

Nominations for page being in order,

Mr. Kenyon nominated E. O. Crafton, for page.

And, upon balloting for page, there were sixteen votes cast, of which Mr. Crafton received sixteen,

And was declared duly elected page of the House.

Nominations for enrolling clerk being in order,

Mr. Fosher nominated C. M. Ferrell.

Mr. Chilcott nominated I. I. Graves,

Mr. Scudder nominated W. W. Slaughter.

1st ballot for enrolling clerk:

Whole number of votes cast sixteen, necessary to a choice nine.

Of which Ferrell received six, Graves five, Slaughter five.

No choice.

2nd ballot:

Whole number of votes cast sixteen, necessary to a choice nine.

Ferrell six, Graves five, Slaughter five.

No choice.

3d ballot:

Whole number of votes cast sixteen, necessary to a choice nine.

Ferrell six, Graves five, Slaughter five.

No choice.

4th ballot:

Whole number of votes cast sixteen, necessary to a choice nine.

Ferrell nine, Graves seven.

C. M. Ferrell having received a majority of all the votes cast, was declared elected enrolling clerk of the House.

Nominations being in order for engrossing clerk,

Mr. Powell nominated M. G. Pratt.

Mr. Kenyon nominated C. B. Hayne.

Mr. Beach appeared and took his seat.

Ballot for engrossing clerk:

Whole number of votes cast seventeen, necessary to a choice nine.

Pratt eleven, Hayne six.

Mr. Pratt having received a majority of all the votes cast, was declared duly elected engrossing clerk of the House.

Messrs. Pratt and Ferrell, then came forward and took the oath of office.

Mr. Stone offered the following resolution:

Resolved, That the sergeant-at-arms be ordered to furnish convenient seats and desks for any reporters for the press who may wish to occupy seats within this House, for the purpose of reporting proceedings.

Which was adopted.

Mr. Fosher offered the following resolution:

Resolved, by the House of Representatives of Colorado Territory, That, having been informed that His Excellency, John

John W. Jenkins, Attorney at Law, 406 Larimer Street

Evans, Governor of this Territory, has just been informed of the death of a beloved child, at the residence of his family, in the city of Chicago, that we deeply sympathize with him in this his great affliction, and, as a mark of respect to him, this body do now adjourn until to-morrow morning, the 17th, at 10 o'clock A. M.

Mr. Hamilton moved to amend by inserting,

"When this House adjourns at noon to-day, it adjourn to meet again at 10 o'clock to-morrow morning."

Amendment accepted, and the resolution as amended adopted.

Mr. Holly moved the adoption of the following resolution:

Resolved, That the Judges of the Supreme Court, members of the Executive Department, and members of the other House, be privileged within the Bar of this House.

Which was adopted.

Mr. Stone gave notice that on to-morrow, or some subsequent day, he would introduce a bill for an act amendatory of an act, entitled "An act concerning Lode Claims."

Also,

A bill for an act, amendatory of an act entitled "An act concerning Criminal Jurisprudence."

Mr. Holly gave notice that on to-morrow, or some subsequent day, he would introduce a bill to organize the militia of Colorado Territory, and to repeal the act to organize the militia, approved Oct. 18th, 1861.

Also,

That he would, on to-morrow, or some subsequent day, introduce a bill establishing a code of civil procedure for Colorado Territory.

Mr. Holly moved the adoption of the following resolution:

Resolved, That the Secretary of this Territory be requested to communicate to this House any instructions he may have received, relative to the allowances, pay and expenses of this Legislative Assembly, as early as may suit his convenience.

Mr. Kenyon gave notice that on to-morrow, or some subsequent day, he would introduce a bill to incorporate the Vasquez River Irrigating and Hydraulic Company.

Mr. Crocker gave notice that he would on to-morrow, or some subsequent day, introduce a bill for an act amendatory of an act entitled "An act concerning ejectment."

Also,

A bill for an act authorizing County Clerks to take acknowledgements of deeds.

Also,

A bill for an act incorporating the Tarryall and Arkansas River Road Company.

Also,

A bill for an act to incorporate the Golden Gate and Gregory Road Company.

Also,

A bill for an act to dissolve the bonds of matrimony between Andrew J. Coykendall and Catherine Coykendall.

Mr. Hamilton moved the adoption of the following resolution:

Resolved, That a committee of three or five of this House, be appointed by the Speaker, to confer with a similar committee of the best legal talent in this Territory—to be selected by the committee of this House—to draft a code of laws better adapted to the wants and wishes of the citizens of this Territory, and said committee to report within ten days from the passage of this resolution.

Mr. Stone moved to amend by inserting twenty days instead of ten.

Amendment accepted.

Mr. Holly moved to refer the resolution to the judiciary committee,

Which was carried, and the resolution was so referred.

Mr. Whittemore gave notice that on to-morrow, or some subsequent day, he would introduce a bill for an act for a general incorporation law.

Mr. Noteware moved the adoption of the following resolution:

Resolved, That the Secretary of the Territory be requested to have furnished for the use of each member, five copies of each of the daily Denver papers, during the sitting of this body, and also one copy of some eastern paper, on the arrival of each coach.

Mr. Holly gave notice that he would on to-morrow, or some subsequent day, introduce a bill for a homestead law.

Mr. Witter gave notice that on to-morrow, or some subsequent day, he would introduce a bill for an act to dissolve the bonds of matrimony between Geo. W. Hightower and Louisa Hightower.

Also,

A bill for an act to incorporate the Tarryall Tunnel Company.

Mr. Holly gave notice that he would on to-morrow, or some subsequent day, introduce a bill to amend an act to incorporate the Bear Cañon Road Company, approved Nov. 7, 1861.

Mr. Stone gave notice that on to-morrow, or some subsequent day, he would introduce a bill for an act amendatory of an act entitled "An act creating a lien in favor of mechanics in certain cases."

Mr. Slaughter being called to the Speaker's Chair,

Mr. Crocker gave notice that he would on to-morrow, or some subsequent day, introduce a bill for an act amendatory of an act entitled "An act concerning judgment and execution," approved Nov. 4, 1862.

Mr. Noteware gave notice that on to-morrow, or some subsequent day, he would introduce a bill to amend an act entitled "An act to incorporate the Enterprise Wagon Road Company."

Mr. Fosher gave notice that on to-morrow, or some subsequent day, he would introduce a bill to incorporate the Cash Creek Park Ditch Company.

Mr. Holly moved the adoption of the following resolution:

Resolved, That the sergeant-at-arms be requested to furnish any ladies who may favor us with their attendance, at any time during this session, with seats within the bar.

Which was adopted.

On motion of Mr. Stone,

The House then adjourned until to-morrow at 10 o'clock, p. m.

THURSDAY, July 17th, 1862.

House met at 10 o'clock, a. m., pursuant to adjournment.

Roll of House called.

Absent—Messrs. Chaffee, Garcia, Harbour, Oakes, Rankin, and Steele—6.

After prayer by the Chaplain,

The Clerk was reading journal of preceding day, when

On motion of Mr. Holly,

The further reading was dispensed with.

Mr. Holly, from special committee, to whom was referred

H. B. No. 2,

Submitted the following report:

ON THE STATE ORGANIZATION.

To the Hon. House of Representatives:

The undersigned, your special committee, to whom was referred

H. B. No. 2,

Introduced by Mr. Holly, for an act to provide a State government, beg leave to report that they have had the same under consideration, and are in favor of the bill, submitting for your consideration the following hasty suggestions:

The advantages of an early State organization must be apparent to all. It will give permanency to our institutions

which no other organization can do. Indeed, it is the ultimate aim of all territorial or provisional governments. Situated as we are, so remote from the seat of the national government, the "self-government" which alone can be secured under a state of organization, is even a necessity of our position. Our school lands must remain in abeyance, until we emerge from our present crystaline condition, and become qualified to use and dispose of them. Without a liberal common school system we cannot expect the population which our natural resources would so well justify. The liberal appropriations made by the parent government, for that purpose only enures to the future State, and can never be made available until its organization. Were there no other, this should be a sufficient inducement for the step now proposed.

It will give stability to legislation. It will invite capital and population. It will add to the resources of the community. It will disseminate the advantages of education. It is demanded by the spirit of the age and the progress of the Anglo-Saxon race. It is contemplated in the workings of the National Constitution.

The grants usually made to new States for University and Capitol purposes, will more than compensate for the loss of the meagre pittance now doled out for legislative and executive purposes.

Experience has demonstrated that individual taxation is less under a judicious State organization than under our present one. At present, while we are exempt from few of the burdens incident to a State, we have indeed, very few of its advantages. Taxation and representation are generally considered mutually dependent. But while we are directly taxed to aid in the support of the national government, we are most unjustly denied a representation in the National Councils, and can have no voice in its imposition. A State organization, alone, can secure us this right. A territorial form of government, for a free people, at best, must be odious, from the fact that the power which enforces the law, as well as the power which construes them, do not emanate from the people governed and affected by them, and are not responsible to them. Our rickety form is especially so. While the odious "veto" power is held over the right to make even our meniable laws, we can be nothing but political vassals. Benificent as is the power which governs us, yet it does not emanate directly from the governed, and its exercise therefore, is not in harmony with the genius of our people.

Denied the usual appropriations for territorial and capitol purposes, we are at a loss to understand what reason remains why we should not, as all other territories have done, embrace

the earliest opportunity of throwing off our swaddling clothes, and assume the toga and garb of political manhood. The times invite this opportunity. It is surely consistent with the purest loyalty, that while some of the States appear to have been insanely seeking to escape from the blessings of a National government, never felt upon them except in its benificence, the sturdy pioneers of these vast fermations shall seek, with proud eclat, to span another star of equal brilliancy, in the glorious escutcheon of the National banner!

Nor will the want of a sufficient population be an obstacle. Already polling a larger vote than Oregon when admitted to the Union, who can question that by the time we can make application for such admission, we shall have a population equal to most of the new States at the date of their admission!

Other things being equal, all will admit that it were preferable, that the servants of the people should be elected by them. Every citizen amenable to the law has a direct interest, not only in making the law but in designating the officer he deems best fitted to construe and execute it. Without the right to select a single Territorial Executive or judicial officer, or to remove or cancel them when selected, or even to make the local law, without revision, for a single county, is it strange that the people, who have been rocked in the cradle of free self-government, should see no reason why because they have changed their habitations from the States of the sea board, or of the Mississippi, and are now developing the resources of these central mountains and plains, and thus adding to the general resources of the whole country, since they are still American citizens, under the ægis of the American flag, they shall still endure their present colonial servitude, and shall be deprived a moment longer than necessary, of their glorious birthright of self-government transmitted to them by their illustrious ancestry.

The details of the bill proposed we consider to be judicious. The blanks in the bill we recommend the House, in committee of the whole, to fill.

Earnestly recommending the passage of the bill, we subscribe ourselves,

Your committee,

CHAS. F. HOLLY, Ch'n.
EDWIN SCUDDER.

July 17, 1862.

On motion,

Report was received and committee discharged.

Mr. Holly moved that the bill be ordered printed in bill form, and be made the special order of business for Friday, of next week, at 10 o'clock, a. m.

Mr. Gallejos moved to amend, by printing also in the Spanish language.

Amendment accepted.

A communication was received from the Governor, as follows:

EXECUTIVE DEPARTMENT, COL. TER.,
DENVER, July 15th, 1862.

To the Hon. the Speaker of the House of Representatives:

SIR—I have approved and signed a joint resolution adjourning the Legislative Assembly to meet at Denver, on Wednesday, the 16th day of July, 1862, at 10 o'clock, a. m.

Respectfully,
JNO. EVANS,
Governor of Colorado Territory.

The question being taken upon Mr. Holly's resolution, as amended,

It was adopted.

The committee on credentials submitted the following report,

Which on motion,

Was adopted.

Committee on credentials beg leave to report the following:

That H. B. Hayes is entitled to a seat in this House as a member from the fourth and fifth districts of the first legislative districting.

Also,

C. G. Hanscome is entitled to a seat in this House, as a member from the fourth and fifth districts, under the first legislative districting.

Respectfully submitted,
E. S. WILHITE, Ch'n.

Messrs. Hayes and Hanscome were then sworn in as members of the House, and took their seats.

Mr. Holly introduced

H. B. No. 4, a bill for an act to amend an act to incorporate the "Bear Cañon Road Company," approved Nov. 7, 1861,

Which was read a first and second time by its title,

And referred to committee on incorporations.

Mr. Wilhite being called to the Speaker's chair,

Mr. Crocker introduced the following bills:

H. B. No. 5, an act to incorporate the Tarryall and Arkansas River Wagon Road Company, which was read a first and second time by its title, and referred to the committee on incorporations.

H. B. No. 6, an act amendatory of an act entitled "An act concerning ejectments," approved Nov. 7th, 1861.

H. B. No. 7, an act amendatory of an act entitled "An act concerning judgments and executions."

H. B. No. 8, an act authorizing the county clerks to take acknowledgments of deeds. And,

H. B. No. 9, an act to dissolve the bonds of matrimony between Andrew J. Coykendall and Catharine Coykendall.

All of which were read a first and second time by their titles,

And referred to the committee on judiciary.—

Mr. Kenyon introduced

H. B. No. 10, an act to incorporate the Vasquez River Irrigating and Hydraulic Company, which was read a first and second time by its title,

And referred to the committee on incorporations.

Mr. Witter introduced

H. B. No. 11, being a bill for an act to dissolve the bonds of matrimony between Geo. W. Hightower and Louisa Hightower, which was read a third time by its title.

The clerk reported that the Secretary of the Territory would furnish one copy of each daily Denver newspaper, or two copies of any one daily, and five copies of either weekly, or the five copies of both together.

Mr. Noteware moved to reconsider the motion passed yesterday regarding papers.

Mr. Holly moved to lay the motion to reconsider on the table.

Which was carried.

Mr. Witter moved the adoption of the following resolution:

Resolved, That the following standing committees shall be appointed to consist of five members each: Committee on ways and means; judiciary; election and apportionment; counties and county lines; incorporations; and that rule No. 27, be amended by striking out a committee of ways and means, committee on judiciary, on election and apportionment, on county and county lines, and on incorporation.

Mr. Slaughter moved a substitute,

That the standing committees appointed by the Speaker be remodelled.

Mr. Holly moved to amend the resolution as follows:

Resolved, That the Speaker be authorized to remodel the committees so that new members, as they are admitted to their seats, may be placed on some committee.

The question being on Mr. Holly's amendment,

The ayes and noes were called for.

Ayes—Beach, Chilcott, Fosher, Gallejos, Holly, Martine, Powell, Slaughter, Stone and Wilhite—10.

Noes—Barela, Hamilton, Hanscome, Hayes, Kenyon, Noteware, Scudder, Whittemore, Witter and Mr. Speaker—10.

Ayes 10, noes 10.

So the amendment was lost.

Mr. Holly moved to lay the motion on the table.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Hamilton, Holly, Kenyon, Martine, Powell, Stone and Wilhite—12.

Noes—Hanscome, Hayes, Noteware, Scudder, Slaughter, Whittemore, Witter and Mr. Speaker—8.

Ayes 12, noes 8.

So the motion prevailed and the resolution was laid on the table.

Mr. Wilhite gave notice that he would on to-morrow, or some subsequent day, introduce a bill to provide for holding a term of the Supreme Court of this Territory, at Denver City.

Mr. Chilcott gave notice that on to-morrow, or some subsequent day, he would introduce a bill for a charter for a free bridge or ferry across the Arkansas River at Pueblo.

Also,

A bill for a charter for a bridge across the Arkansas River at Rocky Bluff Cañon.

Also,

A bill to Incorporate the City of Pueblo.

Also,

A bill to dissolve the bonds of matrimony between W. N. Silsby and Laura Silsby.

Mr. Slaughter gave notice that he would on to-morrow or some subsequent day, introduce the following bills:

A bill for the repeal of certain portions of an act entitled "An act to Incorporate the City of Denver."

Also,

A bill for the incorporation of the Empire City, New Pass, Georgia Gulch, Breckinridge and Montgomery City Wagon Road Company.

Also,

A bill definining the duty of county officers in certain cases.

Also,

A bill for the organization of a new county, defining the boundaries and locating the county seat of the same.

Mr. Powell gave notice that he would on to-morrow or some subsequent day, introduce a bill to incorporate the Arkansas River Ditch Company, for hydraulic and irrigating purposes, located at Cañon City.

Also,

A bill for a bridge across the Arkansas River at Cañon City.

Also,

A bill for the organization of new counties.

Also,

A bill for the organization of counties failing to have complied with an act relating to counties and county officers.

Also,

A bill for a charter for the city of Cañon.

Also,

A bill for attaching certain counties together for judicial purposes.

H. B. No. 11, was read a second time,

And, Mr. Powell moved to refer to a special committee.

Ayes and noes called for.

Ayes—Barela, Martine, Powell, Whittemore, Witter and Mr. Speaker—6.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Scudder, Slaughter, Stone and Wilhite—14.

Ayes 6, noes 14.

The motion to refer to a special committee was lost.

The question now recurring on the motion to refer to the judiciary committee,

Mr. Powell moved to amend by appointing a special committee of three to consider this and all other bills for divorce introduced in the House.

Ayes and noes called for.

Ayes—Beach, Chilcott, Fosher, Gallejos, Hanscome, Kenyon, Noteware, Powell, Stone, Whittemore and Witter—11.

Noes—Barela, Hamilton, Hayes, Holly, Scudder, Slaughter, Wilhite and Mr. Speaker—9.

Ayes 11, noes 9.

So the motion was carried.

The question recurring on the motion as amended,

The ayes and noes were called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Hanscome, Kenyon, Martine, Noteware, Powell, Stone, Whittemore, Witter and Mr. Speaker—14.

Noes—Hamilton, Hayes, Holly, Scudder, Slaughter and Wilhite—6.

Ayes 14, noes 6.

So the motion prevailed.

The committee was appointed as follows:

Messrs. Powell, Witter and Hanscome.

Mr. Fosher moved to reconsider the motion to refer H. B. No. 9, to judiciary committee, and to refer the same to the special committee heretofore appointed.

Ayes and noes called for.

Ayes—Barela, Chilcott, Fosher, Gallejos, Hamilton, Holly, Martine, Noteware, Powell, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—14.

Noes—Beach, Hanscome, Hayes, Kenyon, Scudder and Slaughter—6.

Ayes 14, noes 6.

So the motion prevailed.

The question now recurring on referring H. B. No. 9 to special committee,

It was carried.

And the bill was referred to committee of Messrs. Powell, Witter and Hanscome.

Mr. Barela gave notice that on to-morrow, or some subsequent day, he would introduce an act to prohibit the carrying of arms within the city limits, and for other objects.

Mr. Gallejos gave notice that on to-morrow, or some subsequent day, he would offer a bill regulating the conduct of the wild Indians.

On motion of Mr. Wilhite,

The House adjourned until 2 o'clock this afternoon.

AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

No business appearing, on motion,

The House adjourned till to-morrow morning at 9 o'clock.

FRIDAY, July 18th, 1862.

House met at 9 o'clock, a. m., pursuant to adjournment.

Roll of members called.

Absent—Messrs. Chaffee, Chilcott, Harbour, Hayes, Kenyon, Oakes, Rankin, Steele, Stone, and Wilhite—10.

Reading of journal dispensed with.

Mr. Chilcott appeared and took his seat.

Committee on judiciary reported back

H. B. No. 8,

And recommended its passage,

And submitted the following:

July 18th, 1862.

To the Hon. House of Representatives:

The undersigned, the judiciary committee, beg leave to submit to the House the following resolution, for its favorable consideration, to-wit:

Resolved, That as the sense of this House the judiciary committee be instructed to report a code practice for its consideration, at as early a day as practicable.

Respectfully submitted,
CHAS. F. HOLLY, Ch'n.

The committee on credentials submitted the following report:

MR. SPEAKER—Your committee on credentials respectfully report that Mr. Garcia is present in his seat in this House.

J. W. HAMILTON,
O. A. WHITTEMORE.

Mr. Garcia then took the oath of office.

Mr. Hayes appeared and took his seat.

Mr. Holly gave notice that he would on to-morrow, or some subsequent day, introduce the following bills, viz:

For an act to repeal an act entitled "An act to organize and establish the treasury department."

For an act to regulate the mode of voting.

For an act to confirm and legalize the acts of the people prior to the organization of Colorado Territory.

For an act to repeal an act entitled "An act to incorporate the Bank of Colorado."

Mr. Beach gave notice that he would on some subsequent day introduce a bill for an act to incorporate the City of Colorado.

Also,

A bill for an act to incorporate the Ute Pass Wagon Road Company.

Also,

A bill for an act to tax owners of cattle in certain cases.

Mr. Witter moved the adoption of the resolution reported by the committee on judiciary.

Mr. Hayes moved to amend by adopting the following resolution:

Resolved, That there be elected by ballot, a commission consisting of three competent lawyers, to draft and submit to this body a code of practice for this Territory, as soon as practicable, provided it can be done without any expense to the Territory.

Messrs. Stone, Wilhite aod Kenyon appeared and took their seats.

Mr. Whittemore moved the adoption of the following resolution as an amendment to the amendment:

Resolved, by the Council and House of Representatives, That there be elected by the House three members, and by the

Council two members, as a joint committee, for the purpose of reporting a code of civil procedure for this Territory.

Mr. Holly made a point of order that the amendment of Mr. Whittemore was not in order.

The Speaker decided that the amendment was in order.

Mr. Holly took an appeal from the decision of the Chair.

Ayes and noes on the question, shall the House stand by the decision of the Chair?

Ayes—Barela, Beach, Gallejos, Hamilton, Hanscome, Hayes, Kenyon, Slaughter, and Whittemore—9.

Noes—Chilcott, Fosher, Garcia, Martine, Noteware, Powell, Scudder, Stone, Wilhite, and Witter—11.

Ayes 9, noes 11.

So Mr. Whittemore's amendment was decided by the House to be out of order.

The question was then taken upon Mr. Hayes' amendment.

Ayes—Barela, Hanscome, Hayes, Kenyon, and Whittemore—5.

Noes—Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Martine, Noteware, Powell, Scudder, Slaughter, Stone, Wilhite, Witter, and Mr. Speaker—16.

Ayes 5, noes 16.

So the amendment was lost.

Question recurring on the original resolution reported by the judiciary committee.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Holly, Kenyon, Martine, Noteware, Powell, Scudder, Slaughter, Stone, Wilhite, and Witter—18.

Noes—Hayes, Whittemore, and Mr. Speaker—3.

Ayes 18, noes 3.

So the resolution was adopted.

Mr. Witter moved the adoption of the following resolution:

Resolved, That the committee on rules and joint rules be instructed to report a revision of the rules of the House at the earliest day practicable.

Which was adopted.

Mr. Noteware gave notice that he would on to-morrow, or some subsequent day, introduce a bill for an act legalizing the holding of church property by different religious denominations.

Mr. Powell gave notice that he would on to-morrow, or some subsequent day, introduce a bill to amend or change the time of holding the elections.

Also,

A bill to dissolve the bonds of matrimony between Philipa H. Crane and Francis Crane.

Mr. Slaughter gave notice that on to-morrow, or a future

day, he would introduce a bill for an act to incorporate the Empire Gold Mining Company.

The following bills were introduced, previous notice having been given, and read a first time by title:

H. B. No. 12, a bill for an act to dissolve the bonds of matrimony between W. W. Silsby and Laura Silsby,

By Mr. Chilcott.

H. B. No. 13, an act to incorporate the Cash Creek Park Ditch Company,

By Mr. Fosher.

H. B. No. 14, a special act relating to counties and county officers having failed to organize as required,

By Mr. Powell.

H. B. No. 15, an act granting the exclusive right to John Rogers and others to maintain a bridge across the Arkansas River at Rock Bluff Cañon,

By Mr. Chilcott.

Mr. Holly moved to refer

H. B. No. 12,

To a select committee of three.

Mr. Fosher moved to amend by referring

H. B. No. 12,

To same committee appointed yesterday on divorce cases.

Amendment lost.

Original motion adopted.

The Chair appointed Messrs. Holly, Chilcott and Noteware as said committee.

The following bills were read a second time by their titles, and referred to the following committees:

H. B. Nos. 13 and 15,

Committee on incorporations.

H. B. No. 14,

Committee on counties and county lines.

H. B. No. 8,

Was read a third time,

And put upon its final passage.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Powell, Scudder, Slaughter, Stone, Whittemore, Wilhite, Witter, and Mr. Speaker—21.

Noes—None.

Bill passed and title agreed to.

Mr. Wilhite gave notice that on to-morrow, or some subsequent day, he would introduce a bill to amend an act entitled "An act concerning jurors."

On motion of Mr. Slaughter,

The House adjourned until half past one o'clock to-day.

AFTERNOON SESSION.

House met at half-past one o'clock, p. m.

Speaker in the Chair.

Quorum present.

Mr. Scudder moved a call of the House.

Carried.

Roll called.

Absent—Messrs. Beach, Chilcott, Hamilton, Kenyon, Stone, Wilhite and Witter.

The sergeant-at-arms was dispatched for the absentees.

Messrs. Witter, Beach, Stone, Chilcott, Wilhite, Hamilton and Kenyon, appeared and took their seats.

Mr. Scudder was excused for twenty minutes.

The sergeant-at-arms reported absentees present.

On motion of Mr. Slaughter,

Further proceedings under the call were dispensed with.

Mr. Noteware moved that the absentees be excused for this absence only.

Mr. Holly moved to lay upon the table.

Ayes and noes called for.

Ayes—Gallejos, Garcia, Holly, Martine, Slaughter, and Mr. Speaker—6.

Noes—Barela, Fosher, Hanscome, Hayes, Noteware, Powell, and Whittemore—7.

Ayes 6, noes 7.

So the motion was lost.

Mr. Slaughter moved to indefinitely postpone.

Carried.

Mr. Holly moved the adoption of the following resolution:

WHEREAS, Hon. Wm. A. Rankin, a member of this House, is not in attendance at this session, and it is generally reported that his absence is caused by his removal from this Territory: *Therefore*, In order that the facts may be duly ascertained, and prompt action taken thereon,

Resolved, That the committee on credentials be requested to ascertain the facts, and report to this House what course they should take in the premises.

And it was adopted.

Mr. Scudder appeared and took his seat.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, July 16th, 1862.

MR. SPEAKER—I have the honor to inform your honorable body that the Council have concurred in J. R. No. 3, amended

by striking out "10 o'clock to-morrow," and insert "2 o'clock, p. m., Friday," the 18th inst., and respectfully ask your concurrence therein.

Very respectfully,
JNO. HOWARD,
Secretary of Council.

Mr. Holly moved that the House concur.

Carried.

Mr. Wilhite moved that a committee of three be appointed to wait upon the Council and invite them to be present in the hall of the House of Representatives, in joint convention.

Carried.

The Speaker appointed Messrs. Wilhite, Whittemore and Hayes as such committee.

The Council appeared and took their seats within the bar.

The two Houses then went into joint convention, Hon. N. J. Bond, President of the Council, in the Chair.

Mr. Scudder moved that this Convention raise a committee of three to wait upon His Excellency, the Governor.

Carried.

The Chair appointed Messrs. Scudder, Hayes and Graham, as such committee.

The committee then retired, and soon thereafter returned into the Hall with His Excellency, John Evans, Governor of the Territory of Colorado, who was pleased to deliver to the Legislative Assembly the following message:

GOVERNOR'S MESSAGE.

Gentlemen of the Legislative Assembly of Colorado Territory:

The circumstances that surround us make it an occasion that calls for expressions of gratitude to God—the Supreme Ruler and Benefactor—that amid the fierce strife and bloody conflicts of the past year, our national existence and our national honor have been maintained; that the people of our own Territory have been generally loyal and law abiding; that the Indian tribes by which we are surrounded, have been quiet and peaceable; that almost universal health has been enjoyed, and that continued rich discoveries and the largely increased yield from the mineral treasures of our mountains have infused life and activity into every avenue of business, repaid with certainty the hand of industry, and scattered the smiles of prosperity in profusion around us. Although the war still rages, the patriot has grounds for hope that the infamous hand of rebellion will soon be stricken down forever; that the majesty of law, and the power and permanency of free government will be asserted in the triumph of our arms, and that

our country shall speedily enter upon that great career of prosperity which will inevitably follow. Then it will continue to be a source of just pride to all the inhabitants of Colorado, that in the great struggle, though far from the scenes of conflict, she furnished as many soldiers, in proportion to her population, as any other part of the country; and that, tested by forced marches and upon the battle field, their patient endurance and heroic daring were excelled by none.

I regret that the time since the laws of the Territory have been published, and the extent of experience under them are so limited, that their defects are scarcely known; yet a few are so apparent that you will at once perceive the propriety of a change.

SUBJECTS FOR LEGISLATION.

Counties.—I would call your attention to the propriety of consolidating such of the counties now laid out as are not able to bear the expenses of a county organization, with one or more of those adjacent; the extent of population, and not of territory, forming the true basis for determining county lines. In this connection, I would also suggest the propriety of imposing the duties of several offices upon one individual in sparsely settled counties, so that municipal regulations and the benefits of government may be enjoyed by all, without the expenses incurred being onerous upon them. I would also suggest the passage of a law by which counties not having properly qualified officers may be able to effect an organization.

Legislative Districts.—As a proper districting of the Territory for members of the Legislative Assembly will engage your attention and make a new call for the general election necessary, it might be well, in order to give more time for proper notice, that the period for the general election be changed to a later day in the Autumn, which it is believed would be more convenient to the public at large.

Mining Laws.—As mining is the most important interest in the Territory, and at the same time the most difficult for which to legislate properly, I would call your special attention to some of its wants.

Mining claims are properly regulated by miners' laws, and one of those laws in almost every district in the Territory has determined that lode claims shall be regarded as real estate, although as destitute of the attributes of reality as a leasehold, the general government never having passed title thereto; and it has been adjudged that this miners' law, requiring lode claims to be regarded as real estate, brings questions of the title to them within that provision of the organic act, which says, "That justices of the peace and probate courts shall not

have jurisdiction of any matter in controversy where the title or boundaries of land may be in dispute." This has led to much embarrassment, expense, and delay in the settlement of questions relating to claims of small value. I would therefore suggest that a law be enacted, so explanatory of the miners' real estate claim regulations, as that questions involving title to claims shall not be subject to such construction. In the same connection, and for the same reasons, I would suggest the propriety of memorializing Congress for such an amendment to the organic act as will increase the jurisdiction of the inferior courts to questions involving larger sums.

The greatest source of embarrassment to the development of the mining interests of the country, is found in the miners' law by which lode claims are held as real estate, or by permanent and unconditional title. It has given rise to a wide spread and unlimited speculation in claims, by non-resident and non-mining holders.

Parties never designing to do anything for the development of the country, or to test the value of a single claim, obtain possession of large numbers of them, let them lie without contributing in the least to the expense of our government, until the toiling industry of others shall have tested their value, when, like the drone, they reap the benefits of the toil of others; and shutting the doors of large districts against men who come to invest their capital and devote their energies in working our mines, they drive them from the country, or push them beyond the boundaries of the speculator's possessions. While actual miners should have the privilege of ample room secured to them for all reasonable enlargement of their operations, some law that should make a certain amount of actual development on claims within a given time necessary to their continued possession, as in other mining countries, would add largely to the true interests of the miner, and tend rapidly to develop the country in wealth and population.

Probate.—I would call your attention to the propriety of amending the law of probate, so that small estates can be settled more promptly, and with less expense and delay.

Forcible Entry and Detainer.—The law regulating actions of forcible entry and detainer should, if practicable, be made more simple in its operation.

Militia Law.—The militia law should be amended so as to make it less complex and expensive, and more closely to adapt it to the convenience of the people and the necessities for its operation. This I deem of the utmost importance, in view of the fact that we are surrounded by large tribes of Indians, for the continuance of whose friendly disposition our best guaranty is in the strong arm of military protection; and it is the

more important, since the general government has called away to posts of danger our volunteers, as fast as they could be enlisted.

School Fund.—The fact that a very numerous people are destined soon to make this Territory not only a place in which to seek for fortune, but also, where they will find their permanent homes, makes the question of proper provisions for the education of the youth a matter of the greatest importance to the future welfare of society. The provision of the organic act reserving the usual quantity of school lands, must be to a great extent useless, as all the valuable farming lands will be occupied by settlement in advance of surveys, and the mineral lands cannot be reserved from the miners' occupation; some plan, therefore, different from those that have been adopted in other new States and Territories for securing the end, must be devised here, or our Territory and State when it shall be organized, will be destitute of a school fund. Whether a law that shall secure to the Territory for the use of schools, a claim on every newly discovered lode, which having the sanction of Congress would secure said claims in fee simple, may not be passed without injustice to any one, and with the prospect of securing a rich endowment for all the educational enterprises that the future may demand, is a question that I most earnestly commend to your consideration.

Penitentiary.—The difficulty of securing from escape persons charged with and convicted of crimes, is one of the greatest impediments in the way of making the certainty of punishment exert its salutary influence in the prevention of crime. I trust that an appeal to Congress for aid in the erection of a prison, to relieve this great difficulty in the administration of justice, both under the laws of Congress and of the Territory, would not be made in vain.

Corporations.—To facilitate the organization of corporate companies, for the prosecution of any and all lawful and proper pursuits, I would advise the passage of general laws, so that all persons may enjoy equal rights and privileges under them, and none be permitted to do business, in a corporate name, without the proper safeguards for the protection of the public.

The granting of exclusive rights and privileges—always of doubtful propriety—cannot be too sedulously guarded against in a newly organized community, where the future wants of the country and its prospective condition are so difficult to be understood and foreseen. And it is always desirable to avoid local legislation except in absolutely necessary cases.

A Code of Laws.—As it will be impossible for the present or any future session, which shall be restricted to a term of

forty days, to properly digest and carefully prepare a full code of statute laws for the Territory, I would recommend that the appointment of a commission be authorized for the purpose, its labors to be submitted for the action of the next session of the Legislative Assembly.

Collection of Taxes.—In some parts of the Territory the collection of the taxes has not been properly provided for, and while it is a duty to make such provision, so that the expense of the government may be equitably borne by all, it will be proper to bear in mind that the people generally are not able to pay the heavy burdens which a want of strict economy in the expenditures you may authorize, would entail upon you.

Extinction of Indian Title.—The fact that the Indian title has not been extinguished to a large part of the domain of the Territory, including much of that now occupied by settlers, renders the position of the inhabitants thereon one of uncertainty, and calls for action on the part of the general government. And as I have called the attention of the department, and through it that of Congress to the subject, without securing the action desired, I would recommend that the matter be presented again to the commissioner of Indian affairs, the secretary of the interior, and to Congress, with the weight of an earnest memorial from your honorable body, asking that treaties be authorized with the Ute, Apache, Kiowa and Comanche Indians of the south and west, and with the Ogallalla Sioux Indians of the north part of the Territory, providing for the extinction of their title to such parts of the Territory as may not be permanently reserved to them.

Such are a few of the most important of the many subjects for legislation to which I might call your attention with propriety.

NATURAL RESOURCES OF THE TERRITORY.

Before closing, however, allow me to congratulate you upon the rapidly accumulating evidences of the natural resources of Colorado Territory. To the extent and richness of her mines, to the exceedingly nutritious pasturage of her plains, and the fertility of her valleys, I may be allowed to make a passing reference.

It is estimated by those best informed on the subject, that the gold product of the present will be at least double that of any former year;* and that the gold mining country has as yet been but partially prospected. New and rich discoveries

*A careful inquiry as to the present product of the mills and mines in a circle of three miles in the Gregory district, places it at $90,5000.00 per week, or at the rate of nearly $5,000,000.00 per annum; and it is said to be steadily increasing

are constantly being made; the art of mining is daily being improved, and adapted to the peculiarities of our mines; while an annual increase of the home supply of the necessaries of life is tending to diminish the expense of living.

The mining country that has already attracted attention, and is partially developed, may properly be comprised in two regions, more commonly known as the "Gregory," and the "Buckskin Joe."

The Gregory Region.—The Gregory region extends from Gold Hill to Empire City, a distance of about thirty miles along the base of the snowy range, and will average at least ten miles in width; making three hundred square miles of gold-bearing mountains. The veins of quartz are found throughout this region within an average distance of one hundred feet of each other. They are by the mining laws divided into claims of one hundred feet in extent, making surface enough on quartz-lodes in this region alone for over eight hundred thousand claims. These veins are from six inches to nine feet in thickness, and vary even more in their richness, from those that will not pay at all to those that produce the richest ore that has been found in any part of the world. This ore is principally composed of the sulphuret of iron (iron pyrites.) That which yields twelve dollars per ton pays expenses. That in most of the lodes now worked, pays on an average three times that amount, while in some instances it yields one hundred and fifty, two hundred, and even as high as five hundred dollars per ton, treated by the stamping process. This ore yields upon analysis, from three to six times as much gold as can be saved by the crushers, giving in some instances even what appears to be fabulous results.* A rule in working the mines that seems to be very uniform and commands general confidence among miners, is, that the deeper the mine is penetrated the richer the ore becomes. It is regarded as an entirely safe calculation, to expect large profits from a mine that barely pays expenses at or near the surface.

The Buckskin Joe Region.—About thirty miles south of Gregory, lies a much more extensive, though less developed region. It includes that part of the snowy-range where the waters of the South Platte and Arkansas Rivers on the east, and the Piney and Blue rivers, branches of the Colorado, on the west, have their sources, called by the not very elegant sobriquet of Buckskin Joe. This is the most extensive, and probably the richest mining country in the Territory. From

*Dr. D W. King, of Empire City, Ass't Surgeon 2d Reg't Col. Vols., has made many analyses of this ore, using one ounce of pulverized pyrites each time, with results varying from three hundred and twenty to two thousand two hundred and forty dollars per ton Other analyses, with equally favorable results, have been reported to me, as having been made by various other parties.

the Pollock to the Musquito districts, and extending about five miles in width, is found the only part of this region in which the quartz lodes have been worked. But the rich gulch mines, found along the three crests of the snowy-range that extend thence northerly twenty miles to Geŏrgia Gulch and Tarryall, southerly fifty miles to Lost Cañon and Arkansas mines, westerly ninety miles to Washington Gulch, show, by the uniform law that gold bearing quartz lodes are always found near rich gulch mines, that this region must extend one hundred and sixty miles along the course of these snowy ranges, by from five to fifteen miles in width.

At least the recently discovered mines of great richness at the remote westerly limit of this region, called Washington, Kent's and Ohio Gulches, with the California and Cash Creek mines intermediate, prove either that this field is thus extensive, or that this extent of country contains several large and rich mining regions. Where full examination has been made, the quartz lodes in this region average one for every two hundred feet, with crevices from eighteen inches to forty feet in width, and yielding the gold bearing pyrites of great richness much nearer the surface than in any other mines. If the richest quartz lodes may be expected where the best paying gulch mines are found, this region will excel any other yet found in the Rocky Mountains.

The Plains.—That portion of the Territory extending one hundred and fifty miles eastward from the base of the Rocky Mountains, called the plains, being mostly high, rolling and dry prairie, is covered with the peculiar buffalo and bunch grasses. It is furrowed up with a great number of streams, along which lie fertile valleys. At the sources of these streams, between the waters of the Platte and of the Arkansas, nearly in the middle of the Territory, extending seventy-five miles east from the mountains, is a dividing ridge elevated about one thousand feet above the general level of the plains. Along this "divide" frequent rains produce a luxuriant verdure in the great valleys, and good pine timber is found in great abundance.

Grazing.—But the feature of the plains of the most interest is the great advantage they offer as a grazing country. Although the grass is small and dries up in July and August, it is of such nutritious quality that cattle of all kinds thrive and fatten upon it the year round, the snows of winter never covering the surface long enough to produce serious inconvenience. Large herds of cattle from the immense trains that traverse, during the spring, summer and autumn, those greatest natural roadways to be found in the world, extending up the Platte and the Arkansas Rivers, from the Missouri to our Territory,

are turned out to graze on the plains, jaded and worn down in the autumn, and without having had any other feed until spring, are found in good order, and many of them well fattened for the slaughter. I am satisfied that these plains, described in the books and laid down on the maps as a vast desert, are better adapted to the raising of horses, mules, cattle and sheep than any other part of our common country, the only expense of raising stock here being that of herding.

The innumerable herds of wild cattle or buffalo, and the droves of Indian horses, and the flocks of elk, antelope and deer that have subsisted by pasturage alone on these plains, from time immemorial, should have suggested the exceeding richness of the grasses upon which they fed, and prevented the blunder of publishing them as a desert. These plains will not only be capable of furnishing the stock and wool needed for a dense population of the Territory, but also for a large part of the people of the continent.

Agricultural Products.—As to a home supply of agricultural produce, so important to the accumulation here of permanent wealth and population, the crops now standing on the farms in the valleys on the various branches of the South Platte, Arkansas and Fontaine-qui-Bouille, afford most encouraging prospects. In the latter valley alone, there will be produced this year, according to careful estimates, 25,000 bushels of wheat, 40,000 bushels of corn, and 20,000 bushels of potatoes, and other produce in proportion. The great profits of such crops, and the exceeding productiveness of those lands lying along the streams, I have no donbt will soon induce an agricultural production that will abundantly supply the home demand.

PACIFIC RAILROAD.

Congress just having passed a bill for a Pacific Rail Road, and the deep interest felt by the people of this Territory in reference to its location might indicate the propriety of a reference to the subject here. But the question of location depending almost entirely upon the feasibility of routes through the Rocky Mountains, I could at this time say but little that would be satisfactory upon the subject. I hope in a few days to have a report of the survey now in progress, of the route through the snowy-range, by way of the Berthoud Pass, which I have placed under the direction of Surveyor-General Case, to obtain facts and figures which shall form reliable data, as to its feasibility, both for a wagon and a railroad route; and which may possess interest enough to justify a special communication on the subject.

In conclusion, I would give you the assurance of my hearty co-operation in every act that shall be for the interests of the masses of the people, and guard against injustice to, or neglect of, any portion of them.

JOHN EVANS.

After hearing which,

Mr. Holly moved that the joint convention do now dissolve.

Carried.

The House was then called to order,

The Speaker in the Chair.

Mr. Barela moved the adoption of the following resolution:

Resolved, That the chief clerk of this House be required to request the Secretary of the Territory to have 500 copies of His Excellency's, the Governor's Message, published in the Spanish language.

Mr. Noteware moved to amend, by printing 3,000 copies of the Governor's Message in English, 1,000 in German and 1,000 in Spanish.

Mr. Holly moved to amend, by printing 1,000 copies in English and 500 in Spanish.

Mr. Barela withdrew his resolution.

Mr. Noteware offered the following joint resolution:

Resolved, by the House of Representatives, the Council concurring, That 5,000 copies of the Governor's Message be printed, 3,000 in English, 1,000 in German, and 1,000 in the Castilian language.

Mr. Kenyon moved to amend by printing 5,000 English copies of the message.

Amendment accepted.

Mr. Witter moved to strike out "1,000 copies in German."

Carried.

Mr. Whittemore offered the following amendment:

Resolved, That the Secretary be requested to have as many copies of the Governor's Message printed in the English and Castilian languages, as in his judgment, the fund at his disposal will justify.

Mr. Slaughter moved to lay Mr. Whittemore's amendment on the table.

Ayes and noes called for.

Ayes—Barela, Beach, Fosher, Gallejos, Garcia, Hanscome, Holly, Kenyon, Martine, Noteware, Powell, Slaughter, Wilhite, Witter and Mr. Speaker—15.

Noes—Chilcott, Hamilton, Hayes, Scudder, Stone and Whittemore—6.

Ayes 15, noes 6.

So the amendment was laid on the table,

Which by the decision of the Chair carried the whole matter with it.

Mr. Holly offered the following resolution:

Resolved, That a committee of three be appointed to analyze the various matters contained in the Governor's Message, and assign the several parts to appropriate committees for consideration and action of the House.

Which was adopted.

Speaker appointed Messrs. Holly, Kenyon and Witter, such committee.

Mr. Slaughter moved to reconsider the vote by which Mr. Whittemore's amendment was laid upon the table.

Carried.

The vote was then reconsidered, whereupon Mr. Slaughter

Ayes 11, noes 10.

moved to lay the amendment on the table.

Ayes and noes called for.

Ayes—Barela, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Martine, Slaughter and Witter—11.

Noes—Beach, Chilcott, Kenyon, Noteware, Powell, Scudder, Stone, Whittemore, Wilhite and Mr. Speaker—10.

So the amendment was laid on the table.

The Chair decided that the whole matter was laid upon the table thereby.

Mr. Slaughter took an appeal from the decision of the Chair.

The question being

"Shall the House stand by the decision of the Chair?"

Before the vote was taken, Mr. Slaughter withdrew his appeal from the decision of the Chair.

Mr. Holly offered the following resolution:

Resolved, That the Hon. Secretary of the Territory be requested to have as many copies of the Governor's Message printed in English and Spanish, in the ratio of five in English to one in Spanish, as the funds appropriated for such expenses will allow, to the number of twenty thousand, if possible.

Mr. Slaughter moved to amend by making the number 10,000 copies.

Mr. Wilhite moved to amend by making it 3,000 English and 1,000 Spanish copies.

Mr. Witter moved that the whole matter be referred to committee on printing.

Ayes and noes called for.

Ayes—Beach, Chilcott, Fosher, Garcia, Hamilton, Hayes, Kenyon, Scudder, Slaughter, Whittemore, Witter and Mr. Speaker—12.

Noes—Barela, Gallejos, Hanscome, Holly, Martine, Noteware, Powell, Stone and Wilhite—9.

Ayes 12, noes 9.

So the motion prevailed and the whole matter was referred to the committee on printing.

Mr. Whittemore moved the adoption of the following resolution:

Resolved by the Council and House of Representatives of Colorado Territory: That this Legislature adjourn *sine die*, on Saturday, the 26th inst.

Mr. Fosher moved that the resolution be indefinitely postponed.

Mr. Holly moved to lay the resolution on the table.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Noteware, Powell, Scudder, Slaughter, Stone and Wilhite—15.

Noes—Hanscome, Hayes, Whittemore, Witter and Mr. Speaker—5.

Ayes 15, noes 5.

The motion prevailed and the resolution was laid upon the table.

Mr. Wilhite moved that we adjourn, to meet at 10 o'clock to-morrow.

Mr. Hayes moved to amend by making it 9 o'clock.

The amendment was accepted.

Ayes and noes called for.

Ayes—Barela, Beach, Gallejos, Garcia, Hamilton, Hayes, Holly, Martine, Scudder, Stone, Wilhite and Witter—12.

Noes—Chilcott, Fosher, Hanscome, Kenyon, Noteware, Slaughter, Whittemore and Mr. Speaker—8.

Ayes 12, noes 8.

So the motion prevailed.

Mr. Holly moved to reconsider the motion to adjourn.

Lost.

So the House stood adjourned.

SATURDAY, JULY 19th, 1862.

House met at 9 o'clock a. m., pursuant to adjournment.

Roll of the House called.

Absent—Messrs. Harbour, Oakes, Slaughter, Steele, Stone and Rankin.

After prayer by the Chaplain,

Mr. Gallejos moved to dispense with the further reading of the journal.

Mr. Holly moved to amend by referring the daily journal as printed in the newspaper, to the committee on printing.

Amendment accepted,

And motion as amended carried.

Mr. Slaughter and Mr. Stone appeared and took their seats.

Mr. Hanscome presented the following petition:

To the Honorable the Council and House of Representatives of the Territory of Colorado: We the undersigned, practicing attorneys of Gilpin and adjoining counties in the Territory of Colorado, would most respectfully represent unto your Honorable body, that the present system of law practice in this Territory is tedious, expensive, inconvenient, and not adapted to the wants of the people.

That previous to the passage of the present laws the people and attorneys had become familiar with the "Code" practice of Kansas, having adopted it in this section of the Territory, and found the same to be much better adapted to the wants of the people than the present cumbersome, uncertain, and mixed English and Illinois practice. That the absolute wants of an active and energetic people like ours, require speedy and exact justice, and to obtain it, a change in the present practice of the law is imperatively demanded. We would, therefore, most respectfully request of the Legislature the adoption of a code of practice similar to the practice in Ohio, New York or Kansas, with such modifications as will afford as near as possible prompt justice and speedy remedies to the people.

And as your petitioners will ever pray, etc.

Harley B. Morse,	Jno. W. Remine,
James M. Cavanaugh,	James D. Fisk,
H. G. Barner,	Lewis W. Borton,
Samuel E. Browne,	J. H. Gest,
U. B. Halloway,	C. B. Clements,
A. S. Thompson,	John L. Burton,
L. Sargeant, Jr.	

Mr. Holly moved to refer the petition to committee on judiciary.

Carried.

The committe on credentials reported as follows:

To the Hon. Speaker of the House of Representatives:

Your committee on credentials beg leave to report that Mr. Chaffee, from the 6th Representative District, old apportionment, is present, and entitled to a seat in this body.

E. S. WILHITE, Ch'n.

Mr. Holly moved report be received and adopted.
Carried.
Mr. Chaffee then took the oath of office and took his seat as a member of the House.
The committee on incorporations reported as follows:

Mr. Speaker: Your committee to whom was referred the following bills have had the same under consideration, and beg leave to make the following report, and recommend their passage:
H. B's. No's. 4, 5, 10, 13, and H. B. No. 15 with the following amendments, and recommend its passage: In tenth line, section 2, strike out the word "one" and insert "two," and in the eighteenth line strike out "twenty" and insert "ten."

Very respectfully submitted,
G. M. CHILCOTT, Ch'n,
JOHN FOSHER,
JOSEPH KENYON.

On motion the report was received.
The committee on printing reported as follows:

Mr. Speaker: The committee on printing, to whom was referred the Joint Resolution relative to printing the Governor's Message, beg leave to report, that they have consulted the Secretary of the Territory, and have been informed that three thousand copies in English and one thousand in Spanish are the highest numbers he feels authorized under the instructions of the Department to print.
We therefore beg leave to report the following Joint Resolution, and recommend its adoption:
Resolved by the Council and House of Representatives of Colorado Territory: That the Secretary of the Territory be requested to have printed, for public distribution, three thousand copies of the Governor's Message in English and one thousand in Spanish.

DANIEL WITTER, Ch'n,
JOSE RAFAEL MARTINE.

On motion the report was received and resolution adopted.
Mr. Holly, from special committee, submitted the following report:

To the Hon. House of Representatives: The undersigned, special committee on H. B. No. 12, to divorce Laura Silsby and W. W. Silsby, beg leave to report, that they have had the

same under consideration and earnestly recommend the passage of the bill.

It appears that an act was passed, at the last session of this Legislature, divorcing these parties, but failed to become a law for want of the signature of the Governor, although he did not return it with his veto. From the evidence taken before the committee then raised for that purpose, it appeared beyond dispute that this was one of those cases which then required Legislative relief, and we see no reason why it should be denied now. W. W. Silsby abandoned his wife several years ago, leaving her among strangers under circumstances of peculiar cruelty and heartlessness, while she has been dependent upon her own exertions ever since. It has been impossible for the applicant to have obtained hitherto the relief which is so justly her due, as there has never yet been held a term of court in the district where she resides. We have not deemed it necessary to go into a new examination of the case, but recommend, upon the evidence already taken, that her application be granted. Respectfully submitted,

C. F. HOLLY, Ch'n,
J. H. NOTEWARE,
G. M. CHILCOTT.

Mr. Witter moved that the report be received.

Carried.

Mr. Holly offered the following resolution:

Resolved, That the Hon. the Secretary of the Territory, be respectfully requested to communicate to this House, an abstract of the census returns of 1861, of the votes polled in the several districts and counties at the August and December elections of 1861, at as early a day as will suit his convenience.

Adopted.

Mr. Holly gave notice that he would, on to-morrow or some subsequent day, introduce the following bills:

An act fixing the time of the meeting of the Legislative Assembly.

An act to repeal "An act for the protection of trout fish."

Pursuant to previous notice, Mr. Holly introduced the following bills:

H. B. No. 16, a bill for an act to repeal an act entitled "An act to organize and establish the Treasury Department."

H. B. No. 17, a bill for an act to repeal an act entitled "An act to incorporate the Bank of Colorado," approved Nov. 7, 1861.

H. B. No. 18, a bill for an act to confirm and legalize the acts of the people prior to the organization of Colorado Territory.

H. B. No. 19, a bill for an act to secure a homestead.

H. B. No. 20, a bill for an act to regulate the mode of voting.

Which were severally read a first time by title.

Pursuant to previous notice given, Mr. Powell introduced the following bills:

H. B. No. 21, a bill to incorporate the Cañon City Bridge Company.

H. B. No. 22, an act amendatory of "An act regulating elections."

H. B. No. 23, a bill for an act to dissolve the bonds of matrimony between Philipa H. Crane and Francis Crane.

Which were severally read a first time by title.

Mr. Wilhite, pursuant to previous notice, introduced

H. B. No. 24, an act providing for an extra term of the Supreme Court, to be held in Denver.

Which was read a first time by its title.

Mr. Holly moved that the rules of the House be suspended, to enable him to introduce

H. B. No. 25, without previous notice.

Carried.

Leave being granted, Mr. Holly introduced,

H. B. No. 25, a bill for an act fixing the time of the next general election, and providing for the election of officers thereat.

Which was read a first time by its title.

Mr. Noteware moved to refer

H. B. No. 23, to a special committee of three.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Powell, Stone, Wilhite, Witter and Mr. Speaker—18.

Noes—Chaffee, Scudder, Slaughter and Whittemore—4.

Ayes 18, noes 4.

The motion prevailed.

The Speaker appointed Messrs. Noteware, Witter and Chaffee, as such committee.

Judiciary committee reported back

H. B. No. 6, with the following report:

Your committee on judiciary, to whom was referred H. B. No 6, being a bill for an act amendatory of an act entitled "An act concerning ejectments," approved Nov. 7th, 1861, beg leave to report back said bill with the following amendments, to wit:

The addition of the following sections, viz:

After section 3 of the bill, insert

SEC. 4. Every person who may hereafter be evicted from

any land for which he can show a plain, clear and connected title in law or equity, deduced from the record of some public office, without actual notice of an adverse title in like manner derived from record, shall be exempt and free from all and every species of action, writ or prosecution for or on account of any rents, or profits or damages which shall have been done, accrued or incurred at any time prior to receipt of actual notice of the adverse claim by which the eviction may be effected, provided such person obtained peaceable possession of the land.

SEC. 5. The foregoing section (Sec. 4,) shall be and is hereby considered as inserted between sections 46 and 47 of the act entitled "An act concerning ejectments," approved Nov. 7th, 1861; also, that section four of the bill be numbered section 6.

Also,

Add the following as

SEC. 7. This act shall take effect and be in force from and after its passage.

Your committee would represent that section 4, as above, which is section 47 of the act concerning ejectments, in the Illinois statues, from which our act was copied, seems to have been omitted by a mistake, as is apparent from a slight examination, and as the law is very defective with this omission, the insertion of the section referred to is recommended.

Your committee would therefore report the bill back to the House with the proposed amendments, and would recommend the adoption of the amendments and the passage of the bill as amended.

Respectfully submitted,

CHAS. F. HOLLY, Ch'n.
WILBUR F. STONE.
WM. M. SLAUGHTER.

The judiciary committee introduced

H. B. No. 26, a bill for an act to amend the act entitled "An act concerning jurors,"

Which was read a first time by its title.

Mr. Holly moved that the rules be suspended, so that the House should go into the election of interpreter.

Carried.

Mr. Chaffee introduced the following resolution:

Resolved, That the present interpreter and translator for the Castillian members of this House be and he is hereby discharged.

Mr. Wilhite moved as an amendment, the following resolution:

Resolved, That the Secretary of the Territory be requested to procure the services of another interpreter in addition to the one now employed.

Mr. Dubreuille resigned his office as interpeter and translator.

Mr. Chaffee withdrew his motion.

Mr. Noteware moved to accept his resignation.

Carried.

Mr. Witter moved the House proceed to elect an interpreter and translator.

Carried.

Nominations being in order,

Mr. Garcia nominated Mr. Dominguez.

Mr. Holly moved to elect Mr. Dominguez unanimously.

Carried.

Mr. Witter moved to send the sergeant-at-arms for Mr. Dominguez.

Carried.

The sergeant-at-arms was then despatched for Mr. Dominguez.

Mr. Witter moved to take a recess of twenty minutes.

Carried.

After recess the House was called to order by the Speaker.

Mr. Dominguez then appeared, and was sworn in as interpreter and translator for the House.

Second reading of House bills being in order,

The following bills were read a second time by title, and referred to the following committees:

H. B. No. 16,
Committee on ways and means.
H. B. No. 17,
Committee on incorporations.
H. B. No. 18,
Committee on judiciary.
H. B. No. 19,
Committee of the whole.
H. B. No. 20,
Committee on elections.
H. B. No. 21,
Committee on incorporations.
H. B. No. 22,
Committee of the whole.
H. B. No. 23,
Special committee of Noteware, Witter and Chaffee.
H. B. No. 24,
Committee on judiciary.
H. B. No. 25,

Committee of the whole.
H. B. No. 26,
Committee of the whole.
On motion of Mr. Wilhite,
The House went into committee of the whole, on the general file.
Mr. Wilhite in the Chair.
The committee of the whole rose,
And House called to order.
The Speaker in the Chair.
Mr. Wilhite, chairman of committee of the whole, reported that committee had had under consideration
H. B. No. 19, reported progress, and asked leave to sit again.
Mr. Holly, from special committee of analysis on Governor's Message, submitted the following report:

To the Honorable, the House of Representatives:
The undersigned, special committee on the Governor's Message, beg leave to report that they have discharged the duty assigned them, and beg leave to recommend that so much of said Message as relates to the national government be referred to the committee on federal relations; so much as refers to counties, be referred to committee on counties and county lines; so much as refers to legislative districts, be referred to committee on elections and apportionments; so much as refers to the mining interests, be referred to a special committee of three; so much of it as refers to the laws and amendments thereto, be referred to the committee on judiciary; so much as refers to a school fund, be referred to the committee of education; so much as refers to taxes, be referred to the committee of ways and means; so much as refers to Indian titles, be referred to committee on Indian relations; so much as refers to the agricultural resources of the plains, be referred to the committee on agriculture. The entire Message, both for the excellency of its style and merit of its matter, we earnestly commend to the careful consideration of the House and the country.

Respectfully submitted,
CHAS. F. HOLLY, Ch'n.
JOSEPH KENYON,
DANIEL WITTER.

July 19th, 1862.

Mr. Powell moved that the report be received.
Carried.
M. Hanscome moved that

H. B. No. 19, be taken from the committee of the whole, and be referred to committee on territorial affairs.

Mr. Chaffee moved that the House adjourn till 1½ o'clock o'clock, p. m.

Mr. Holly moved to adjourn till Monday morning.

Ayes and noes called for.

Ayes—Barela, Beach, Hamilton, Holly, Kenyon, Scudder and Wilhite—7.

Noes—Chaffee, Fosher, Gallejos, Garcia, Hanscome, Hayes, Martine, Noteware, Powell, Slaughter, Stone, Whittemore, Witter and Mr. Speaker—14.

Ayes 7, noes 14.

So the amendment was lost.

Mr. Hayes moved to amend by adjourning till 2 o'clock, p. m.

Amendment accepted.

Motion as amended,

Carried.

So the House adjourned.

AFTERNOON SESSION.

House met at 2 o'clock p. m., pursuant to adjournment.

Quorum present.

Mr. Hanscome gave the following notices that he would, on Monday next, or some subsequent day, introduce a bill,

In relation to Lode and Gulch Claims and Quartz Mills.

Also,

An act to amend an act entitled "An act concerning forcible entries and unlawful detainers."

Also,

An act to amend an act entitled "An act creating a lien in favor of mechanics in certain cases."

Also,

An act to amend an act entitled "An act concerning judgments and executions."

Also,

An act to amend an act entitled "An act concerning justices of the peace and constables."

Also,

An act to amend an act entitled "An act regulating the fees of officers, jurors and witnesses."

Mr. Chilcott offered the following resolution:

Resolved, That the thanks of this House be tendered Mr. Dubreuille, for the able manner in which he discharged the duties of interpreter and translator for this House.

Which was adopted.

Mr. Powell moved that the report of the committee on the Governor's Message be adopted.

Mr. Scudder moved to amend, by referring that part of the Message relating to mines to the standing committee on mines and minerals.

Mr. Holly moved to amend, by referring so much of the Message as relates to military affairs to committee on military affairs.

Amendment adopted.

Resolution as amended adopted.

Mr. Holly moved

H. B. No. 12, be ordered engrossed for a third reading.

Carried.

Mr. Whittemore moved that the resolution to adjourn *sine die* be taken up and considered.

Ayes and noes called for.

Ayes—Chaffee, Hanscome, Hayes, Whittemore, Witter and Mr. Speaker—6.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Powell, Scudder, Stone and Wilhite—14.

Ayes 6, noes 14.

So the motion was lost.

The motion pending at adjournment, to refer

H. B. No. 19, to committee on Territorial affairs, coming up for consideration,

Mr. Holly moved to amend by referring to special committee of three.

Lost.

Question recurring on original motion,

It was carried,

And the bill was referred to committee on Territorial affairs.

Mr. Kenyon moved

H. B. No. 10, be ordered engrossed for a third reading.

Mr. Fosher moved to amend, that all bills which have been reported back, be ordered engrossed for a third reading.

Amendment lost.

Mr. Chaffee moved to amend by referring to committee of the whole.

Carried.

Mr. Scudder moved to go into committee of the whole house.

Carried.

The House then went into committee of the whole,

Mr. Scudder in the Chair.

After some debate, the committee rose to receive a communication from the Hon. Secretary of the Territory:

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
SECRETARY'S OFFICE, Denver, July 19th, 1862.

To the Hon. the Speaker of the House of Representatives:

SIR: In compliance with the request contained in a resolution, of this inst., I take pleasure in transmitting to your body the following:

Census returns; abstract of votes polled for Delegate and members of the Council and House of Representatives at the August election, 1861; also, abstract of vote for members of Council and House of Representatives polled at the December election, 1861.

With great respect, your obd't servant.

SAM. H. ELBERT,
SECRETARY of Colorado Territory.

Mr. Holly moved that the abstracts and returns be printed, and 100 copies furnished to the members of the House.

Mr. Chaffee moved to amend, by referring the abstracts to the committee on election and apportionment.

Ayes and noes called for.

Ayes—Barela, Chaffee, Gallejos, Garcia, Hanscome, Hayes, Martine, Whittemore, Wilhite, Witter and Mr. Speaker—11.

Noes—Beach, Chilcott, Fosher, Hamilton, Holly, Kenyon, Noteware, Powell, Scudder, Slaughter and Stone—11.

Ayes 11, noes 11.

So the amendment was lost.

Mr. Holly moved to amend by referring the printed abstracts and returns to committee on elections.

Carried.

Resolution as amended was adopted.

Mr. Holly moved that

H. B's. No's. 22 and 25, be considered together in committee of the whole.

Mr. Chaffee moved that the House resolve itself into committee of the whole, Mr. Scudder in the Chair.

Carried.

The House then went into committee of the whole.

Mr. Scudder in the Chair.

The committee of the whole rose.

House called to order.

Speaker in the Chair.

Mr. Scudder reported that the committee of the whole, having had H. B. No. 22, under consideration, report it back with amendments, and recommend that H. B. No. 22, be passed as amended.

Mr. Chaffee moved that H. B. No. 22, be considered engrossed and ordered to a third reading.

Mr. Holly moved to amend, to take up H. B. No. 22, and consider it.

Ayes and noes called for.

Ayes—Hanscome, Holly, Noteware, Powell, Stone, Whittemore and Wilhite—7.

Noes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hayes, Kenyon, Martine, Scudder, Slaughter, Witter and Mr. Speaker—15.

Ayes 7, noes 15.

So the amendment was lost.

Mr. Chaffee's motion was lost.

Mr. Slaughter moved that H. B. No. 22, be ordered engrossed.

Carried.

Committee on engrossment submitted the following:

MR. SPEAKER: Your committee on engrossment, beg leave to report H. B. No. 12, as correctly engrossed.

O. A. WHITTEMORE, Ch'n.

Mr. Holly moved that H. B. No. 12, be taken up and put upon its final passage.

Carried.

Mr. Wilhite being called to the Chair,

Mr. Crocker moved to strike out section 2.

Carried.

Mr. Hanscome moved to strike out all after the enacting clause.

Ayes and noes called for.

Ayes—Barela, Chaffee, Garcia, Hanscome, Hayes, Scudder and Whittemore—7.

Noes—Beach, Chilcott, Fosher, Gallejos, Hamilton, Holly, Kenyon, Martine, Noteware, Powell, Slaughter, Stone, Wilhite, Witter and Mr. Speaker—15.

Ayes 7, noes 15.

So the motion to strike out was lost.

The question was then taken on the final passage of the bill.

Ayes—Beach, Chilcott, Fosher, Garcia, Hamilton, Holly, Kenyon, Noteware, Powell, Slaughter, Stone, Wilhite and Witter—13.

Noes—Barela, Chaffee, Gallejos, Hanscome, Hayes, Martine. Scudder, Whittemore and Mr. Speaker—9.

Ayes 13, noes 9.

Bill passed and title agreed to.

On motion of Mr. Fosher,

Adjourned until Monday morning.

MONDAY, JULY 21st, 1862.

House met at 9 o'clock a. m., pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

Absent—Chaffee, Noteware, Oakes, Scudder, Wilhite, Harbour and Rankin.

Reading of journal dispensed with.

The committee on rules and joint rules submitted the following report:

MR. SPEAKER: Your committee on rules and joint rules, beg leave most respectfully to report, that they have carefully examined the journal of the last session of this Legislature, and have collected all the rules of the House and the joint rules of both Houses together; and your committee would respectfully recommend that 100 copies be printed for the use of the House.

J. W. HAMILTON, Ch'n,
JESUS M. BARELA,
E. S. WILHITE.

Mr. Holly moved that the report be received and recommendation adopted.

Carried.

Messrs. Chaffee, Noteware, Oakes, Scudder and Wilhite appeared and took their seats.

A majority of committee on elections submitted the following report:

MR. SPEAKER: Your committee to whom was referred H. B. No. 20, respectfully beg leave to make the following majority report: That they have had the same under consideration, and recommend its rejection by this House.

M. S. BEACH, Ch'n,
JOSE FRANCISCO GALLEJOS.

A minority of said committee submitted the following report:

To the Hon. the House of Representatives: The undersigned the minority of the committee on elections, to whom was referred H. B. No. 20, beg leave to report in favor of said bill.

1st. Because the present system by ballot is open to frauds not charged in the *viva voce* system.

2d. Because the present system has no check against frauds and the stuffing of the ballot box.

3d. Because it is impossible, under the present system, to correct an illegal election, because there is no way of ascertaining how an illegal voter has voted.

4th. Because the *viva voce* system is more simple and better adapted for this country.

5th. Because it is cheaper, less complicated and has worked more satisfactorily where it has been tried.

6th. Because it is less liable to be abused and more certain to preserve the purity of the elective franchise.

Respectfully submitted,

CHAS. F. HOLLY.

July 21st, 1862.

Committee on engrossed bills submitted the following report:

MR. SPEAKER: Your committee on engrossed bills beg leave to report H. B. No. 22, as correctly engrossed.

O. A. WHITTEMORE, Ch'n.

Report received.

Mr. Whittemore offered the following resolution:

Resolved, That the committee on printing be instructed to inquire into the reason why no printed journals are furnished for the House, and to report the cause and the remedy.

Adopted.

Mr. Hanscome moved that the majority report of the committee on elections be adopted.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Kenyon, Martine, Noteware, Powell, Scudder, Slaughter, Whittemore, Witter and Mr. Speaker—19.

Noes—Holly and Stone—2.

Ayes 19, noes 2.

So the majority report was adopted.

Mr. Hayes offered the following resolution:

Resolved, That there be a special committee of three appointed to inquire into the right of the members from Boulder and Clear Creek claiming seats in this body, and that they have power to receive and examine persons and papers for that purpose.

Mr. Fosher moved to refer the matter to the committee on credentials.

Lost.

Question recurring on the original motion,

The ayes and noes were called for.

Ayes—Chaffee, Hanscome, Hayes, Kenyon, Noteware, Oakes, Scudder, Stone, Whittemore, Witter and Mr. Speaker —11.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Martine, Powell, Slaughter and Wilhite—11.

Ayes 11, noes 11.

So the resolution was not adopted.

Mr. Fosher offered the following joint resolution:

Resolved, by the House of Representatives, the Council concurring, That a committee be appointed, consisting of three on the part of the House and two on the part of the Council, to be appointed by the Speaker and President of the respective bodies, to examine into the fees of all officers and recommend such modifications as they may deem right and proper.

Carried.

Pursuant to previous notice, Mr. Holly introduced

H. B. No. 27, a bill for an act to organize the militia of Colorado Territory, and to repeal the act entitled "An act to organize the militia," approved October 18th, 1861.

Which was read a first time by its title.

Pursuant to previous notice, Mr. Chilcott introduced

H. B. No. 28, for an act to incorporate the Pueblo Town Company.

Also,

H. B. No. 29, for an act granting the exclusive right to the Pueblo Town Company to maintain a ferry or bridge across the Arkansas river at Pueblo.

Which were read first time by title.

Pursuant to previous notice, Mr. Slaughter introduced

H. B. No. 30, for an act to incorporate the Empire Gold Mining Company.

Which was read a first time by its title.

Bills read a second time and referred:

H. B. No. 27,

To committee on military affairs, and 100 copies ordered printed.

H. B. No. 28,

To committee on Incorporations.

H. B. No. 29,

To committee on roads and bridges.

H. B. No. 30,

To committee on incorporations.

H. B. No. 22, read third time.

Mr. Holly moved to amend by striking out "October" and inserting "November" in section 1.

The ayes and noes were called.

Ayes—Barela, Chaffee, Holly, Powell and Witter—5.

Noes—Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Kenyon, Martine, Noteware, Oakes, Scudder, Slaughter, Stone, Whittemore, Wilhite and Mr. Speaker —18.

Ayes 5, noes 18.

So the amendment was lost.

Mr. Chaffee moved to strike out section 5.

Carried.

Mr. Kenyon moved to insert the following as section 5:

"This act shall take effect and be in force from and after Nov. 1st. 1862."

Ayes and noes called for.

Ayes—Beach, Fosher, Hamilton, Hanscome, Hayes, Kenyon, Oakes, Scudder, Slaughter, Whittemore and Mr. Speaker —11.

Noes—Barela, Chaffee, Chilcott, Gallejos. Garcia, Holly, Martine, Noteware, Powell, Stone, Wilhite and Witter—12.

Ayes 11, noes 12.

So the amendment was lost.

H. B. No. 22, was then put upon its final passage.

Ayes—Beach, Chaffee, Chilcott, Fosher, Hamilton, Hayes, Hanscome, Holly, Kenyon, Noteware, Oakes, Powell, Slaughter, Stone, Wilhite and Witter—16.

Noes—Barela, Gallejos, Garcia, Martine, Scudder, Whittemore and Mr. Speaker—7.

Ayes 16, noes 7.

Bill passed and title agreed to.

Mr. Whittemore moved that the resolution fixing time of adjournment be taken up and considered.

Lost.

Committee on credentials submitted the following report:

MR. SPEAKER: The committee on credentials would report the presence of Daniel Steele in the House, and that he is entitled to a seat as a member from the first district under the old districting, and that he still resides in the district which he was elected to represent.

Respectfully submitted,

E. S. WILHITE, Ch'n.

Report received and adopted.

Mr. Steele was then sworn in and took his seat as a member of the House.

Mr. Scudder gave notice that he would on to-morrow, or some subsequent day, introduce

A bill for the relief of all civil contracts.

Mr. Garcia gave notice that on to-morrow, or some subsequent day, he would introduce

A bill to consolidate Conejos and Costilla counties.

Mr. Powell gave notice that he would on to-morrow, or some subsequent day, introduce

A bill to prevent the importation of stock into the county of Fremont for the purpose of grazing.

Also,

A bill to incorporate the Cañon and Colorado City Wagon Road Company.

Mr. Wilhite gave notice that he would on to-morrow, or some subsequent day, introduce

A bill to attach Weld county to Larimer.

Mr. Hamilton gave notice that he would on to-morrow, or some subsequent day, introduce

A bill for an act amendatory of an act entitled "An act concerning judgments and executions."

Mr. Stone gave notice that he would on to-morrow, or some subsequent day, introduce

A bill for an act amendatory of an act entitled "An act concerning contested elections."

Mr. Fosher gave notice that on some future day he would introduce

A bill for an act amendatory of an act, entitled "An act concerning the meeting of the next session of the Legislature."

Mr. Chilcott gave notice that he would, on to-morrow or some subseqeunt day, introduce

A bill for "An act to prevent the introduction of animals for the purpose of grazing within certain limits."

On motion of Mr. Holly,

The House went into committee of the whole,

Mr. Wilhite in the Chair.

Committee rose to receive message from the Council:

COUNCIL CHAMBER, July 21st, 1862.

MR. SPEAKER:—I have the honor to inform your honorable body that the Council has passed the following resolution:

Resolved, That a committee of three be appointed, to act with a like committee from the House, to report joint rules; and Messrs. Parker, Colby and Mather were appointed said committee.

Very respectfully,
JOHN HOWARD,
Sec'y of Council.

House again went into committee of the whole.

Committee rose,

And the House was called to order by the Speaker.

Mr. Wilhite, Chairman,
Reported that the House had had
H. B. No. 25
Under consideration, and recommeded that it be laid upon the table.
Also,
H. B. No. 26,
And recommended that it be passed with the second section stricken out.
Also,
H. B. No. 10,
And recommended that the bill pass with an amendment to section six, as follows:
"Provided, That no persons shall subscribe for more than fifty shares of said capital stock of said company, until after the expiration of twenty days after the books of said company shall have been opened as aforesaid."
Report received.
Mr. Holly moved that H. B's. No's. 10 and 26, be ordered engrossed for a third reading.
Carried.
Mr. Holly moved that the clerk of the House be ordered to strike out the clause in all bills providing for "Act to take effect from and after its passage."
Carried.
Mr. Hayes moved to reconsider the vote by which H. B. No. 10, was ordered engrossed.
Carried.
The question recurring on the original motion to order H. B. No. 10, engrossed.
Mr. Holly withdrew his motion.
Mr. Slaughter moved the adoption of the amendment proposed.
Carried.
Mr. Hayes moved that H. B. No. 10, be referred to a special committee.
Carried.
Committee, Messrs. Hayes, Chaffee and Witter.
Mr. Witter moved that the resolution changing the number of certain standing committees to 5 members instead of 3, be taken from the table and considered.
Carried.
Mr. Hanscome moved to amend by inserting mines and minerals.
Amendment accepted.
Resolution as amended, adopted.
Which is as follows:

Resolved, That the following standing committees shall be appointed to consist of five members each:

Committee on ways and means.
" judiciary.
" election and apportionment.
" counties and county lines.
" incorporations.
" mines and minerals.

And that rule No. 27, be amended by striking out the above named committees.

Mr. Hanscome gave notice that he would on to-morrow, or some subsequent day, introduce

A bill to enable the trustees of Colleges, Academies, Universities and other institutions, societies and companies, to become bodies-corporate.

Mr. Holly offered the following resolution:

Resolved, That all bills, after having been read a second time, be placed on file for consideration in the committee of the whole, unless expressly ordered otherwise by the House.

Adopted.

Mr. Witter moved that the two amendments to the rules contained in the two preceding resolutions, be printed among the standing rules of the House.

Carried.

Mr. Chilcott gave notice that he would on to-morrow, or some subsequent day, introduce

A bill for an act to incorporate the Denver and Julesburg Telegraph Company.

Committee on incorporations submitted the following report:

MR. SPEAKER: Your committee on incorporations have had H. B. No. 21, also, H. B. No. 17, under consideration, and beg leave to report the said bills back without amendment, and recommend their passage.

G. M. CHILCOTT, Ch'n.

Committee on territorial affairs submitted the following report:

MR. SPEAKER: Your committee on territorial affairs would report H. B. No. 19, back to the House, with the amendments thereto appended marked "A" "B" and "C," and recommend its passage as amended.

W. M. SLAUGHTER, Ch'n.

Mr. Holly moved that the report of the committee be adopted.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Gallejos, Garcia, Hanscome, Hayes, Holly, Kenyon, Martine, Oakes, Powell, Slaughter, Wilhite and Witter—15.

Noes—Chaffee, Fosher, Hamilton, Noteware, Scudder, Steele, Stone, Whittemore and Mr. Speaker—9.

Ayes 15, noes 9.

So the report was adopted.

Mr. Holly moved that

H. B. No. 19, be ordered engrossed for a third reading.

Mr. Chaffee moved that the bill be referred to a special committee.

Mr. Holly moved to amend, as follows:

Resolved, That the bill be referred back to the territorial committee, with instructions to limit the value of any such land, lots or lode claim, which shall be so exempted.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Gallejos, Garcia, Hanscome, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter and Wilhite—15.

Noes—Chaffee, Fosher, Hamilton, Hayes, Steele, Stone, Whittemore, Witter and Mr. Speaker—9.

Ayes 15, noes 9.

So the amendment of Mr. Holly prevailed.

Question recurring on the original motion, as amended,

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Gallejos, Garcia, Hamilton, Hanscome, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Wilhite and Witter—20.

Noes—Fosher, Hayes, Whittemore and Mr. Speaker—4.

Ayes 20, noes 4.

So the motion as amended prevailed, and the bill was so referred.

Mr. Noteware moved to adjourn till 2 o'clock, p. m.

Carried.

AFTERNOON SESSION.

House met at 2 o'clock, p. m., pursuant to adjournment.

Quorum present.

Absent—Chief clerk.

The Speaker announced the additional names added to the standing committees of the House as follows:

Judiciary, Hanscome and Chaffee; ways and means, Hayes and Steele; incorporations, Chaffee and Garcia; counties and county lines, Hayes and Garcia; elections and apportionment,

Chaffee and Steele; mines and minerals, Hanscome and Hayes.

Mr. Chaffee gave notice that he would introduce a bill on to-morrow, or some subsequent day, for an act amendatory to an act concerning "Lode claims."

Also,

Joint memorial relating to the Branch Mint to be established here.

Mr. Chaffee offered the following:

Resolved, That the clerk of this House be subject to the same fine and penalties for absence or non-attendance as members thereof.

Which was adopted.

The chief clerk appeared, and after explanation, on motion, he was excused.

Committee on printing submitted the following report:

MR. SPEAKER: The committee on printing, to whom was referred the resolution of inquiry relative to the printing of the journals, beg leave to report that they called upon the News Co., who decline furnishing the House with the journal unless an appropriation shall be made to pay for it, as it will not be paid for by the Secretary.

Your committee also called upon Thos. Gibson & Co., who offer to provide the House with a printed copy of the journal by the hour of meeting each morning, and to do any other printing that may be required by the House, without compensation from the Territory.

Your committee would therefore offer the following resolution and recommend its adoption:

Resolved, That the clerk of this House be instructed to deliver to Thomas Gibson & Co., for publication, the journal and such bills and miscellaneous matter as may be ordered printed.

D. WITTER, Ch'n,
D. C. OAKES,
JOSE RAFAEL MARTINE.

Mr. Hayes moved that joint resolution from the Council, on joint rules, be concurred in.

Carried.

The Speaker appointed Messrs. Hamilton, Barela and Wilhite, as committee on the part of the House to confer with Council committee on joint rules.

Mr. Fosher moved the adoption of the resolution recommended by the printing committee.

Mr. Holly moved that the consideration of the resolution be postponed till to-morrow.

Mr. Fosher moved to postpone the consideration of the matter till to-morrow, and that it be made the special order of business at 10 o'clock, a. m.

Carried.

Mr. Whittemore moved that this House invite the Council to meet in joint convention to elect a public printer.

Mr. Holly moved that the resolution lay over until to-morrow at 10 o'clock.

Carried.

On motion of Mr. Chaffee,

The House went into committee of the whole.

Mr. Chaffee in the Chair.

Committee rose to receive a message from the Council:

COUNCIL CHAMBER, July, 21st, 1862.

MR. SPEAKER: I have the honor to inform your honorable body, that the Council has adopted the joint rules of the last session, with the following amendments, viz: In rule one, (1) strike out doorkeeper and insert sergeant-at-arms. In rule 3, (3) strike out "by the chief clerk or secretary, unless otherwise specially ordered by the presiding officer, and." And respectively ask your concurrence therein.

Very respectfully,
JOHN HOWARD,
Secretary of the Council.

House again went into committee of the whole upon the general file.

The committee rose and Mr. Chaffee, chairman, reported as follows:

MR. SPEAKER: I am instructed by the committee of the whole to make the following report:

They have had these several bills under consideration, and recommend the passage of

H. B. No. 4, without amendment.

H. B. No. 5, with several amendments, as follows:

Amend sec. 1, by striking out "Tarryall City," and insert "Fairplay."

Add to sec. 4, after the word "Stock," "Save hogs and sheep, which shall be two cents."

Add to bill as sec. 8, "That said company shall accurately measure said road and cause mile posts to be erected, with suitable inscriptions thereon."

H. B. No. 6, with the amendments reported by the judiciary committee.

H. B. No. 13, recommend engrossment for final passage.

H. B. No. 15, that it do pass without amendment.

H. B. No. 21, recommend its passage with the following amendments.

SEC. 8. The town or city of Cañon, when incorporated, shall at any time have the right and privilege of purchasing the said bridge for the purpose of making the same a free bridge, by paying to the incorporators the original cost of building the same.

H. B. No. 17, recommend that it be referred back and put on its final passage.

Mr. Stone gave notice that he would on to-morrow, or some subsequent day, introduce

A bill for an act to amend "An act regulating Elections," approved Nov. 6th, 1861.

Mr. Wilhite moved that the House adjourn.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Garcia, Hanscome, Hayes, Holly, Martine, Scudder, Steele, Wilhite and Witter—13.

Noes—Fosher, Gallejos, Hamilton, Kenyon, Noteware, Oakes, Powell, Slaughter, Stone, Whittemore, and Mr. Speaker—11.

Ayes 13, noes 11.

So the motion prevailed,

And the House adjourned until to-morrow, at nine o'clock, a. m.

TUESDAY, JULY 22d, 1862.

House met at 9 o'clock a. m., pursuant to adjournment.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Harbour, Rankin, Slaughter, Stone and Wilhite.

Mr. Holly moved to dispense with reading of the journal.

Carried.

Committee on engrossed bills reported as follows:

MR. SPEAKER: Your committee on engrossed bills beg leave to report H. B. No. 26, as correctly engrossed.

O. A. WHITTEMORE, Ch'n.

Mr. Powell submitted the following report from committee on counties and county lines:

MR. SPEAKER: Your committee to whom was referred H. B. No. 9, relating to counties and county officers having failed to organize, according to law, have had the same under consideration, and your committee beg leave to recommend the passage of said bill.

D. POWELL, Ch'n,
J. W. HAMILTON.

A majority of special committee reported as follows:

MR. SPEAKER: The special committee to whom was referred H. B. No. 23, an act to dissolve the bonds of matrimony between Philipa H. Crane and Francis Crane, have had the same under consideration, and report the same back without recommendation.

J. H. NOTEWARE,
DANIEL WITTER.

Mr. Chaffee, from same committee, made the following minority report:

MR. SPEAKER: The undersigned, minority of select committee, to whom was referred H. B. No. 23, an act to dissolve the bonds of matrimony between Philipa H. Crane and Francis Crane, would respectfully report that the courts of this Territory seem to be the proper tribunals for such cases, where evidence can be more certainly and regularly had as to facts, and for many other obvious reasons, and inasmuch as more important business is pressing upon the time of this House which is of general importance to the whole people, the undersigned would respectfully recommend that this bill be rejected and the following resolution adopted:

Resolved, That this House will take no action in any bills for divorce during this session.

J. B. CHAFFEE.

Mr. Hanscome gave notice that he would on to-morrow, or some subsequent day, introduce

A bill for an act to amend an act entitled "An act concerning Licenses."

Mr. Hayes gave notice that he would on to-morrow, or some subsequent day, introduce

A bill for an act for the incorporation of the Bobtail Tunnel Company.

Also,

A bill for an act to change the name of Gilpin county to Gregory.

Mr. Gallejos gave notice that he would on to-morrow, or some subsequent day, introduce

A bill for an act to incorporate a free Cemetery.

Mr. Holly introduced

H. B. No. 31, a bill for an act fixing the time of the meeting of the next Legislative Assembly.

H. B. No. 32, a bill for an act to repeal an act entitled "An act for the protection of trout fish," approved Nov. 1st, 1861.

H. B. No. 33, a bill for an act to amend an act entitled "An act regulating the fees of officers, jurors and witnesses," approved Nov. 8th, 1861.

Were read a first time by their titles.

Mr. Garcia introduced, pursuant to previous notice,

H. B. No. 34, a bill for an act to consolidate the counties of Costilla and Conejos.

Which was read a first time by title.

Pursuant to previous notice, Mr. Witter introduced

H. B. No. 35, a bill for an act to incorporate the Tarryall Tunnel Company.

Which was read a first time by title.

Pursuant to previous notice, Mr. Hamilton introduced

H. B. No. 36, a bill for an act amendatory of "An act concerning Judgments and Executions."

Which was read a first time by title.

Pursuant to previous notice, Mr. Chilcott introduced

H. B. No. 37, a bill for an act amendatory of an act entitled "An act to prevent the introduction of animals for the purpose of grazing, within certain limits."

Which was read a first time by its title.

Mr. Noteware, pursuant to previous notice, introduced

H. B. No. 38, a bill for an act to amend an act entitled "An act to incorporate the Enterprise Wagon Road Company."

Which was read a first time by its title.

Pursuant to previous notice, Mr. Stone introduced

H. B. No. 39, a bill for an act amendatory of an act entitled "An act regulating Elections," approved November 6th, 1861.

Also,

H. B. No. 40, a bill for an act amendatory of an act entitled "An act to provide for contested Elections," approved October 31st, 1861.

Which were read a first time by their titles.

Mr. Witter moved to concur in the amendments to joint rules proposed by the Council.

Carried.

H. B. No. 31, read a second time and referred to committee of the whole.

Mr. Chaffee moved that

H. B. No. 32, be indefinitely postponed.

Ayes and noes called for.

Ayes—Chaffee, Hamilton, Kenyon, Noteware, Scudder and Whittemore—6.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hanscome, Hayes, Holly, Martine, Oakes, Powell, Steele, Stone, Wilhite, Witter and Mr. Speaker—17.

Ayes 6, noes 17.

The motion was lost, and the bill was referred to committee of the whole.

Messrs. Wilhite and Slaughter appeared and took their seats.

Second reading and references continued.

H. B's. No's. 33 and 37,

To committee of the whole.

H. B. No. 34,

To committee on counties and county lines.

H. B's. No's. 35 and 38,

To committee on incorporations.

H. B's. No's. 36 and 39,

To committee on judiciary.

H. B. No. 40,

To committee on elections and apportionment.

H. B. No. 26, was read a third time.

Mr. Hanscome moved to amend by adding the following as section 2.

SEC. 2. That the Board of Commissioners shall not select the same person or persons to serve more than one term during one and the same year, and that no person shall be required to serve as a Grand Juror more than one term in any year.

Which was adopted.

Mr. Witter moved that the bill be referred back to the judiciary committee, with the amendments proposed, with instructions to harmonize the acts relating to Jurors and report another bill.

Carried.

Mr. Stone from committee on judiciary submitted the following report:

MR. SPEAKER: Your committee to whom was referred H. B. No. 7, for an act amendatory of an act entitled "An act concerning judgments and executions,"

Would report that they have had the same under consideration, and respectfully submit that they would report said bill

back to the House, and recommend that it do not pass, for the following reasons:

1st. The bill proposes to repeal that part of the act exempting certain property owned by persons not heads of families. Your committee are of the opinion that persons not heads of families should be entitled to some rights under the exemption law, especially since the law as it now stands makes no distinction between persons not heads of families and those who may be heads of families but not residing with the same, and as there are many persons residing in this Territory who are heads of families but whose families, unfortunately for this law, and from circumstances not within the control of such persons, reside either out of the Territory, or in some other part of the Territory through no fault of such persons. And your committee believe that such persons should certainly be allowed some little exemption from the harshness of creditors as provided in this law in favor of heads of families.

2d. Your committee are of the opinion that the bill under consideration makes too great a distinction between the rights of heads of families and persons who have not families or are not residing with the same, since if this bill were to become a law it would exempt nearly fifteen hundred dollars worth of property in favor of the first class, and leave nothing to the second but the mere clothing sufficient to cover him. Why, for instance, should not a miner or mechanic be allowed to retain the tools or stock in trade by which he earns a livelihood, and by which only he can earn the means wherewith to pay his debts, or if he be a professional man, his books and implements, his only means of living, even though he may be so unfortunate as to not be the head of or reside with a family, as well as the man who happens to have a family and possessing no other merit?

Your committee would therefore report unfavorably to the passage of the bill under consideration, and would submit the annexed bill as a substitute and respectfully recommend its passage.

CHAS. F. HOLLY, Ch'n,
WILBUR F. STONE,
WM. M. SLAUGHTER.

The special order of the day being the consideration of the report of committee on printing, and resolution reported by the committee, the report and resolution were read.

Mr. Speaker read the following communication:

OFFICE OF THE ROCKY MOUNTAIN NEWS,
Denver, July 21, 1862.

To the Honorable Speaker of the House of Representatives:

I have just learned of the action of the House of Representatives to-day, in reference to the Public Printing, and beg leave to submit the following statement:

I was elected Territorial Printer at the first session of the Legislature of Colorado, and executed the incidental printing of the House and Council throughout the session. Owing to the fact that I was not informed by the then Secretary of the Territory, of the character and quantity of printing authorized by the General Government, I performed a large amount of work for which I have never received, and probably never will receive compensation.

I may be permitted to add, that I have never received a single dollar for the incidental and other printing executed by order of the Legislative Assembly at its last session, and I am informed that the particular kind of printing about which action has been taken by the House of Representatives—the Journals in daily slips—is unauthorized by the Treasury Department.

If, however, in view of all these facts, the House of Representatives, desire me to print the daily journals in slips. I I can in no other way acknowledge the compliment paid me last session by an almost unanimous election, than by complying with their request.

I shall at once commence the publication of the Journal, in daily slips for the use of the House, and they will be delivered at the clerk's desk on each morning, before the organization of the House.

I have the honor to be,
Very respectfully yours,
EDWARD BLISS,
Territorial Printer.

Mr. Chaffee moved that the report and resolution be laid upon the table.

Ayes and noes called for.

Ayes—Barela, Chaffee, Fosher, Gallejos, Garcia, Hanscome, Hayes, Holly, Kenyon, Martine, Oakes, Scudder, Steele and Wilhite—14.

Noes—Beach, Chilcott, Noteware, Powell, Slaughter, Stone, Whittemore, Witter and Mr. Speaker—9.

Ayes 14, noes 9.

So the motion prevailed, and the resolution and report were laid on the table.

Mr. Holly moved the adoption of the following:

Resolved, That the public printer be requested to furnish the House with printed slips of its daily journal of the preceding day, prior to its meeting.

Mr. Witter moved to amend by adding daily calendar.

Amendment adopted.

Resolution as amended adopted.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, July 22d.

MR. SPEAKER: I have the honor to inform your honorable body, that the Council has passed H. B. No. 8, "An act authorizing county clerks to take acknowledgments of deeds," with the following amendments: In section one, (1) strike out "Other officers," and insert "Justices of the Peace;" also, in section three, (3) strike out "Provided, that nothing in this act, shall be construed to affect any vested rights," and respectfully ask the concurrence of your honorable body therein.

Very respectfully,
JOHN HOWARD,
Secretary of Council.

Mr. Witter moved the adoption of the following resolution as a standing rule of the House, instead of rule adopted 23d October, 1861:

Resolved, That the clerk of the House shall make a list of all bills which have been reported upon by the committee of the whole, or any other committee, in the order in which they are reported back; except that bills of a public character shall always be placed above private bills, and such bills shall be taken up and considered by the House in the order in which they stand.

Resolved, That a new order of business be added after No. 11, as follows: "Consideration of bills reported upon by committees."

Resolution was adopted.

Mr. Holly offered the following resolution:

Resolved, That when the House go into committee of the whole, each member shall be called to the chair in rotation, in the order of their names on the alphabetical list of the House, if present.

Lost.

Mr. Scudder moved that the majority and minority reports on H. B. No. 23, be taken up.

Carried.

Mr. Scudder moved to adopt the majority report.

Mr. Chaffee moved to amend by adopting the resolution recommended by the minority of the committee.

Ayes and noes called for.

Ayes—Barela, Chaffee, Garcia, Hanscome, Hayes, Kenyon, Martine, Scudder, Whittemore and Mr. Speaker—10.

Noes—Beach, Chilcott, Fosher, Gallejos, Hamilton, Holly, Noteware, Oakes, Powell, Slaughter, Steele, Stone, Wilhite and Witter—14.

Ayes 10, noes 14.

So the amendment was lost.

Mr. Holly moved to re-commit H. B. No. 23, to the same committee.

Mr. Chaffee moved that the bill be indefinitely postponed.

Ayes and noes called for.

Ayes—Barela, Chaffee, Garcia, Hanscome, Hayes, Kenyon, Martine, Scudder and Whittemore—9.

Noes—Beach, Chilcott. Fosher, Gallejos, Hamilton, Holly, Noteware, Oakes, Powell, Slaughter, Steele, Stone, Wilhite, Witter and Mr. Speaker—15.

Ayes 9, noes 15.

So the motion was lost.

Question recurring on the original motion to re-commit.

Ayes and noes called for.

Ayes—Beach, Chilcott, Fosher, Gallejos, Hamilton, Holly, Kenyon, Noteware, Oakes, Powell, Slaughter, Stone and Witter—13.

Noes—Barela, Chaffee, Garcia, Hanscome, Hayes, Martine, Scudder, Steele, Whittemore, Wilhite and Mr. Speaker—11.

Ayes 13, noes 11.

So the motion prevailed,

And H. B. No. 23, was re-committed to Messrs. Noteware, Witter and Chaffee.

Committee on credentials reported as follows:

MR. SPEAKER: The committee on credentials would report that from the best and most reliable information we can get, that,

Whereas, W. A. Rankin, who was elected from the 5th district, under the old districting, and did represent said district at the first Legislative Assembly of this Territory, but has, since the adjournment of said session, removed from his district and this Territory;

We would respectfully recommend to this House, that his seat as a member be declared vacant.

E. S. WILHITE, Ch'n.

Report received and adopted.

Mr. Wilhite moved that Mr. Rankin's seat be declared vacant.

Mr. Chaffee moved to amend, by striking Mr. Rankin's name from the roll of the House.

Amendment accepted.

Resolution as amended was adopted.

On motion of Mr. Wilhite,

The House adjourned till 2 o'clock this afternoon.

AFTERNOON SESSION.

House met at 2 o'clock, pursuant to adjournment.

Quorum present.

The Speaker read the following communication, received by him from the Hon. Secretary Elbert:

EXECUTIVE DEPARTMENT, COL. TER.,
SECRETARY'S OFFICE, Denver, July 22d, 1862.

To the Hon., the Speaker of the House of Representatives:

SIR:—I beg leave to call your attention to the following extract from instructions received from the Treasury Department at Washington:

"This Department claims and exercises the right, under existing laws, to regulate the price and quantity of the Territorial printing. The limits of the annual appropriation, aside from any other consideration, would not admit of any indefinite action in this respect by the Assembly. You will, therefore, suggest to the presiding officer of each House that memorials, petitions, and documents having no necessary connection with the duties of legislation or the dissemination of useful information among the people, will be excluded, and not printed at the expense of the United States."

With great respect,
Your obedient servant,
SAM. H. ELBERT,
Sec'y of Colorado Territory.

Whittemore moved that the House now take up and consider the resolution fixing the day of adjournment.

Ayes and noes called for.

Ayes—Messrs. Chaffee, Hayes, Scudder, Steele, Whittemore, Witter and Mr. Speaker—7.

Noes—Messrs. Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Kenyon, Martine, Oakes, Powel and Stone.

Ayes 7, noes 12.

So the motion was lost.

On motion of Mr. Scudder,

A call of the House was had.

Absent—Messrs. Hanscome, Holly, Noteware, Slaughter, and Wilhite.

The Sergeant-at-Arms was dispatched for the absentees.

Messrs. Holly, Wilhite, Hanscome, Noteware and Slaughter appeared and took their seats, and

On motion, further proceedings under the call were dispensed with.

Judiciary committee reported back

H. B. No. 24,

With a recommendation that it do pass.

Mr. Holly moved that

H. B. No. 24

Be considered as engrossed, and put upon its final passage.

Carried.

Mr. Kenyon moved to strike out section one.

Lost.

House Bill No. 24 was then put upon its final passage.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Oakes, Powell, Scudder, Steel, Stone, Whittemore, Wilhite, Witter and Mr. Speaker.

Noes—Mr. Chaffee.

Ayes 21, nay 1.

Bill passed and title agreed to.

Commtttee on Judiciary reported back

H. B. No. 18,

With the following report:

To the Hon. the House of Representatives:

The judiciary committee have had H. B. No. 18, "to affirm and legalize certain acts of the people of Colorado prior to the organization of Colorado Territory," under consideration, and unanimously report the bill back without amendment, with the recommendation that it do pass.

This bill presents the question directly, unembarasssd by extraneous matters, Shall the acts of the first settlers in this country, in the absence of law, creating regulations for their own government, and the decisions and proceedings of their courts and tribunals, created by them, be held conclusive, and closed in all cases where both parties appeared or received due notice?

What the people did then, and were satisfied with then—prior to any opportunity to do *otherwise*, by the inauguration of a legal government—we, their representatives, now should legalize and confirm. However irregular or even unjust may have been some of the proceedings had under their provisional

tribunals, we conceive that to open them now to re-litigation or even re-examination, would be productive of much greater and more general injustice. "The greatest good of the greatest number," would seem to require that this inexhaustible source of litgation should be finally closed, and the uncertainty in the public mind in this respect, effectually removed.

It is impossible for the wisest legislature to guard against every act of outrage, or redress every wrong, much less to secure to every individual every just claim or right. While this bill may be open to some objection on that account, growing out of hasty, improvident, or even corrupt proceedings of some of the miners' courts, or clubs, in particular instances, it is believed, taken as a whole, they are generally as correct, and as nearly approximate to substantial justice between man and man, as the nature of the respective cases, and the peculiar condition of the people, would seem to admit of.

What the people have done was indispensable for them to do, under the circumstances, to save themselves from anarchy, and even to prepare the way for the inauguration of a constitutional government. If it were not *well* done, it would be still worse to attempt to right it now, after the lapse of so long a time, and the necessary complication of titles and interests.

We have not deemed it necessary to go into what is called the "*constitutional*" objection, beleiving that it is our duty, as legislators, to act under our own sense and construction of our powers upon what is a "rightful subject of legislation," as may appear to be for the best interest of the people, leaving to the proper officers and tribunal the duty of construing judicially and executing executively what we shall have enacted.

In accordance then, with the enlightened public policy, with the dictates of the largest justice, and the evident demands of "*public opinion*," as well as the wants of the people—the source of our authority—we respectfully urge the passage of either this bill or a similar one, at the earliest practicable period.

Respectfully submitted,

CHAS. F. HOLLY, Chairman,
WILBUR F. STONE,
C. G. HANSCOME.

July 22d, 1862.

Mr. Chaffee moved that the report be received and the bill ordered printed in bill form.

Carried.

Mr. Hayes, from special committee, reported back

H. B. No. 10, and recommended its passage with the following amendments, to wit:

SEC. 6, after the figures "1862," insert the following: "of which previous notice shall be given by publication in some newspaper in Denver City for at least thirty days."

Also,

In the proviso to same section, after the word "shall" add "either directly or indirectly," also strike out "fifty" and insert "twenty" in same proviso.

Sec. 8, 39th line, strike out the words "including a docket fee of ten dollars to the attorney of said company."

Sec. 9, 1st line, stike out the word "exclusive," and in second line strike out the word "the;" also in next to the last line before the words "Clear Creek" insert the words "or near."

Also,

In Sec. 9, 19th line, strike out the words "and for each one thousand cubic feet used for other purposes," and insert as a substitute, "and for all water used as motive power, not over one dollar per inch, for all re-action or undershot wheels under a head of eight feet, and not more than three dollars per inch for all water used for overshot or breast wheels, under a head of one foot, for each year."

And add to section — the following words:

"Said company shall have the exclusive right of way for two hundred feet on each side of said ditch and branches. The above reservation not to interfere with vested rights."

Mr. Kenyon moved that the report of the committee be received and adopted.

Carried.

On motion of Mr. Wilhite,

The House resolved itself into committee of the whole,

Mr. Chaffee in the Chair.

Committee then rose to receive message from the Council:

COUNCIL CHAMBER, July 22d, 1862.

MR. SPEAKER: I am instructed to inform the House of Representatives that the Council has passed C. B. No. 5, an act concerning bonds of Masters and Receivers in Chancery.

Also,

C. B. No. 6, an act concerning chattel mortgages.

And the concurrence of your honorable body is respectfully requested therein.

Very Respectfully,

JOHN HOWARD,

Secretary of the Council.

Committee then rose,

And Mr. Chaffee, Chairman,

Reported that the committee of the whole, having had under consideration the following bills, reported them back with the following recommendations:

H. B. No. 14, recommending it be re-committed to committee on counties and county lines.

H. B. Nos. 31, 32, 33 and 37, that the bills pass without amendment.

H. B. No. 7, a substitute for bill of same number, with a recommendation that it pass as a substitute therefor.

Also,

H. B. No. 10, with amendments and recommending that the bill pass as amended.

On motion of Mr. Noteware,

The report was received and adopted.

Mr. Noteware moved that H. B. No. 10, be engrossed and put upon its final passage.

Mr. Chaffee moved that the bill be laid on the table until printed at the expense of the incorporators.

Mr. Witter moved to amend by having this and all other private bills lay upon the table until printed.

Mr. Fosher moved that Mr. Chaffee's motion be indefinitely postponed.

Carried.

Mr. Wilhite gave notice that he would on to-morrow, or some subsequent day, introduce

A bill exempting members of the Legislative Assembly from sitting as Grand Jurors.

Mr. Fosher moved that all bills already reported from the committee of the whole, with a recommendation that they pass without amendment, be ordered engrossed for a third reading.

Lost.

Order of business:

Consideration of bills reported by committees.

H. B. No. 31, being taken up,

Mr. Kenyon moved to strike out "be held," and insert "convene."

Lost.

Mr. Holly moved that H. B. No. 31 be considered engrossed and put upon its final passage.

Carried.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Hamilton, Hanscome, Hayes, Holly, Martine, Oakes, Powell, Stone, Whittemore, Witter and Mr. Speaker—16.

Noes—Gallejos, Garcia, Kenyon, Noteware, Scudder, Slaughter and Steele—7.

Ayes 16, noes 7.

So the bill passed, and the title was agreed to.

Mr. Witter moved that H. B. No. 32 be considered engrossed for a third reading.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Holly, Martine, Noteware, Powell, Slaughter, Stone and Witter—13.

Noes—Chaffee, Hamilton, Hanscome, Hayes, Kenyon, Oakes, Scudder, Steele, Whittemore and Mr. Speaker—10.

Ayes 13, noes 10.

So the motion prevailed.

H. B. Nos. 33, 37, 7 substitute, and 10,

With amendments,

Were read and ordered engrossed for a third reading.

Mr. Chaffee moved

C. B. No. 5 and 6

Be read first time.

Carried.

Mr. Noteware moved that

C. B. Nos. 5 and 6

Be read a second time.

Carried.

The Clerk then read

C. B. No. 5 and 6,

A first and second time by title,

And they were referred to committee on judiciary.

Mr. Chilcott, pursuant to previous notice, introduced

H. B. No. 41 a bill for an act to incorporate the Denver & Julesburg Telegraph Company.

Mr. Holly moved that

H. B. No. 41

Be read first and second time by title.

Carried.

Bill was accordingly read and referred to committee on incorporations.

Mr. Slaughter gave notice that on to-morrow, or a future day, he would introduce

A bill for an act regulating the receiving of tolls in certain cases.

Pursuant to previous notice,

Mr. Slaughter introduced

H. B. No. 42, a bill for an act to incorporate the Empire City, New Pass, Breckinridge and Montgomery City Road Company.

Mr. Stone gave notice that on to-morrow, or some subsequent day, he would introduce

A bill for an act amendatory of an act entitled "An act concerning arbitrations and awards."

Judiciary committee reported back
H. B. Nos. 36 and 39,
And recommend their passage,
Without amendment.
On motion of Mr. Witter,
The House adjourned until to-morrow.

WEDNESDAY, July 23d.

House met at 9 o'clock, a. m.,
Pursuant to adjournment.
Speaker in the Chair.
Prayer by the Chaplain.
Roll called.
Absent—Messrs. Harbour, Steel and Wilhite.
On motion of Mr. Holly, reading of the journal was dispensed with.
Mr. Noteware, from special committee, reported as follows:

Mr. Speaker:—Your committee, to whom was re-committed H. B. No. 23, would respectfully beg leg leave to report as follows:

We have examined the said petitioner under oath, together with several other persons, there being no rebutting testimony in the case. From the evidence given, which is now in the possession of your committee, we do not hesitate to say that under the law, the petitioner would be entitled to a decree in accordance with her petition in any court in this Territory.

J. H. NOTEWARE,
DANIEL WITTER,
J. B. CHAFFEE.

Judiciary committee reported as follows:

The committee to whom H. B. No. 26, a bill for an act to amend the act entitled "An act concerning jurors," was referred, have had the same under consideration and beg leave to report a substitute.

Mr. Powell, from special committee, reported as follows:

Mr. Speaker:—Your committee, to whom was referred H. B. No. 9, for an act to dissolve the bonds of matrimony be-

tween A. J. Coykendall and Catharine Coykendall, beg leave to make the following report:

The said A. J. Coykendall and Catharine Coydendall were living together in the spring of 1861, as man and wife, at Georgia Bar, and keeping a boarder; and sometime in the month of August, the said boarder and the said Catharine Coykendall did, with violence and force of arms, drive the said A. J. Coykendall from his own house and residence, and he, the said A. J. Coykendall, was not allowed afterwards to get any thing belonging to him, the said A. J. Coykendall; and the said Catharine Coykendall has been, and is now, living with a man by the name of Ferguson, as man and wife. In view of these facts, stated upon good authority, your committee beg leave to recommend the passage of this bill.

D. POWELL, Chairman.
DANIEL WITTER.

Mr. Hanscome stated he had a minority report to submit, and asked till to-morrow to introduce it.

Mr. Holly moved that further time be granted to minority of committee to report, and that the consideration of the bill be postponed.

Carried.

Mr. Powell, from special committee reported as follows:

MR. SPEAKER:—The undersigned select committee, to whom was referred H. B. No. 11, for an act to dissolve the bonds of matrimony between Geo. W. Hightower and Louisa Hightower, beg leave to report that they have carefully examined the evidence and depositions submitted to them, and find that the said Geo. W. Hightower deserted his wife at Hamilton, Colorado Territory, about the 11th day of June, 1861, without just cause or provocation, and that he has ever since refused to live with her, and left her to provide for herself and child, Elizabeth. The last fall he left the Territory in company with another woman, and returned to it again in the spring of 1862, apparently living together as man and wife.

That on, or about the 24th day of last May, the said Geo. W. Hightower again left the Territory of Colorado, as it is believed, with the said woman, and for the Salmon river mines. That the said Geo. W. Hightower said at the time of leaving, and has repeatedly said, that he never would live again with said Louisa Hightower as man and wife—that the said Geo. W. Hightower and Louisa Hightower soon after their separation signed an agreement of separation, dividing their property and the children. That the said Geo. W. Hightower,

before leaving the Territory, said to a member of this House, that he did not wish to oppose his wife getting a divorce, but insisted she should have one. In view of the above facts, your committee beg leave to recommend the passage of this bill. D. POWELL, Ch'n.

Mr. Hanscome stated that the minority of the committee would submit a report to-morrow, and asked further time.

Mr. Holly moved that the minority have further time till to-morrow morning, to report.

Carried.

Mr. Witter gave notice that he would on to-morrow, or some future day, introduce

A bill for an act defining where suits shall be commenced before justices of the peace.

Also,

A bill for an act incorporating the Fairplay Ditch Co.

Also,

A bill for an act to dissolve the bonds of matrimony between James Wright and Marcella Wright.

Mr. Kenyon gave notice that on to-morrow or some future day he would introduce

A bill to legalize the assessment made by the assessors of Boulder county.

Mr. Kenyon introduced the following resolution:

Resolved, That the Auditor and Treasurer of the Territory be called upon for a statement of the affairs of their respective offices as required by law.

Which was adopted.

Messrs. Steele and Wilhite appeared and took their seats.

Mr. Chilcott gave notice that on to-morrow or some subsequent day, he would introduce

A bill for an act in relation to herding stock.

Mr. Stone gave notice that on to-morrow or some subsequent day, he would introduce

A bill for an act concerning fences.

Mr. Holly took the Speaker's chair.

Mr. Whittemore gave notice that he would on to-morrow or a future day, introduce

A bill to dissolve the bonds of matrimony between Wm. Oddy and Mary Ann Oddy.

Also,

A bill to legalize the assessment of Summit county.

Mr. Crocker moved the adoption of the following preamble and resolution:

WHEREAS, The constant and almost universal complaint of the people of the second judicial district of this Territory,

charges Hon. Charles Lee Armour, judge of said district, with wilful and shameful neglect of his official duties, with being in his course on the bench, harsh, vindictive and mercenary; and charges that his entire conduct shows him to be utterly incompetent, and ignorant of the principles of law; and charges that he states that he will not remove to the district to which he has been assigned; and charges that his position on the bench is a disgrace to the judiciary, and tends to the disorganization of the courts, and the bringing into disrepute of the courts in his district, and is a great injury to this Territory; therefore,

Resolved, That a committee of three be appointed by the House to inquire into the matter, with instructions, if they deem it advisable for the interests of the Territory, to report a memorial to the President of the United States, asking for the removal from office of said Charles Lee Armour.

Mr. Witter moved the following as an amendment:

Provided, That the said committee shall notify the said Charles Lee Armour of the time and place of their meeting, that he may have an opportunity of meeting the charges brought against him.

Ayes and noes called for on the adoption of the amendment.

Ayes—Chaffee, Chilcott, Hamilton, Noteware, Oakes, Steel, Whittemore, Witter and Mr. Speaker, *pro. tem*—9.

Noes—Barela, Beach, Fosher, Gallejos, Garcia, Hanscome, Hayes, Crocker, Kenyon, Martine, Powell, Scudder, Slaughter, Stone, and Wilhite—15.

Ayes 9, noes 15.

So the amendment was lost.

The question recurring upon the original resolution,

The ayes and noes were called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hanscome, Hayes, Martine, Powell, Scudder, Slaughter, Stone, Crocker and Mr. Speaker *pro tem.*—15.

Noes—Chaffee, Hamilton, Kenyon, Noteware, Oakes, Steel, Whittemore, Wilhite and Witter—9.

Ayes 15, noes 9.

So the resolution was adopted.

The Speaker appointed as such committee, Messrs. Crocker, Hanscome and Chaffee.

Mr. Crocker asked to be excused.

And on motion, he was excused by the House.

The Speaker appointed Mr. Scudder in place of Mr. Crocker, excused.

The committee therefore consists of Messrs. Hanscome, Chaffee and Scudder.

The Speaker resumed his seat.

First reading of bills:

H. B. No. 42, a bill for an act to incorporate the Empire City, New Pass, Breckinridge and Montgomery City Road Company.

Mr. Holly asked leave to introduce

H. B. No. 43, without previous notice.

Leave was granted.

And Mr. Holly introduced

H. B. No. 43, a bill for an act fixing the fees of officers, jurors, and witnesses.

The bill was read a first time by title.

Bills read a second time by title and referred:

H. B. No. 42,

To committee on incorporation.

H. B. No. 43,

To select committee heretofore appointed upon the subject of fees of officers, jurors and witnesses.

The committee on engrossed bills reported as follows:

MR. SPEAKER:—Your committee on engrossed bills beg leave to report H. B. Nos. 7 and 37 as correctly engrossed.

O. A. WHITTEMORE, Ch'n.

Bills read a third time:

H. B. No. 7

Was read a third time and put upon its final passage.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Holly, Hayes, Kenyon, Martine, Noteware, Oakes, Scudder, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—21.

Noes—Chaffee, Powell and Slaughter—3.

Ayes 21, noes 3.

Bill passed and title agreed to.

H. B. No. 37

Was read a third time.

Mr. Chilcott moved that the bill be referred to a select committee of three.

Carried.

The Speaker appointed Messrs. Chilcott, Garcia and Barela such committee.

Consideration of bills reported back from committees:

H. B. No. 7, old bill,

Ordered to be laid on the table and omitted from calendar.

H. B. No. 6,

Ordered printed, with amendments.

H. B. No. 36,

Ordered engrossed for third reading.

H. B. No. 39,

Ordered engrossed for final passage.

H. B. No. 25,

Ordered to lay on the table and be omitted from calendar.

H. B. No. 4 read.

Mr. Holly moved to amend by making the terminus of the road "Missouri Gulch," in place of "Missouri City."

Carried.

Mr. Chaffee moved to amend as follows:

That the road shall be built within one year from the passage of this act.

Ayes and noes called for.

Ayes—Barela, Chaffee, Gallejos, Garcia, Hanscome, Hayes, Kenyon, Martine, Scudder, Whittemore, Witter and Mr. Speaker—12.

Noes—Beach, Chilcott, Fosher, Hamilton, Holly, Noteware, Oakes, Powell, Slaughter, Steele, Stone and Wilhite—12.

Ayes 12, noes 12.

So the amendment was lost.

Mr. Chaffee moved to amend by striking out "five years" and inserting "thirteen months."

Ayes and noes called.

Ayes—Chaffee, Hanscome, Hayes, Noteware, Scudder, Slaughter, Whittemore, Wilhite, Witter and Mr. Speaker—10.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Oakes, Powell, Steele and Stone—14.

Ayes 10, noes 14.

So the amendment was lost.

Mr. Holly moved to amend by making the time "two years."

Carried.

Mr. Holly moved that H. B. No. 4 be engrossed for final passage.

Carried.

Mr. Barela moved to adjourn till to-day at 3 o'clock.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Martine, Oakes, Scudder, Steele, Wilhite and Witter—13.

Noes—Chaffee, Hanscome, Hayes, Holly, Kenyon, Noteware, Powell, Slaughter, Stone, Whittemore and Mr. Speaker—11.

Ayes 13, noes 11.

So the motion prevailed and the House adjourned.

AFTERNOON SESSION.

House met at 3 o'clock pursuant to adjournment.
Speaker in the chair.
Quorum present.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, July 23, 1862.

MR. SPEAKER:—I am instructed to inform your honorable body that the Council has passed C. B. No. 7, an act to locate the county seat of Park County, and legalize certain acts therein named, and respectfully ask the concurrence of your honorable body therein.

Very respectfully, JOHN HOWARD,
Sec'y of the Council.

Consideration of bills reported back by committees, was then resumed.

H. B. No. 5,

Read in full and ordered engrossed for a third reading.

H. B. No. 13 was read in full.

Mr. Holly moved to amend section 1, by inserting "10," instead of "20" years.

Carried.

On motion, the bill was then ordered engrossed for a third reading.

H. B. No. 15,

Reading dispensed with, upon motion of Mr. Noteware, and bill ordered to be engrossed for final passage.

H. B. No. 17,

Read, and on motion of Mr. Holly it was considered engrossed and put upon its final passage.

Ayes—Barela, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Holly, Kenyon, Martine, Slaughter, Stone and Witter—14.

Noes—Beach, Hayes, Noteware, Oakes, Powell, Scudder, Steele, Whittemore, Wilhite and Mr. Speaker—10.

Ayes 14, noes 10.

So the bill passed and title agreed to.

H. B. No. 23,

Read, and on motion the bill was considered engrossed and put upon its final passage.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Steele, Stone, Wilhite and Witter—18.

Noes—Chaffee, Hanscome, Hayes, Scudder, Whittemore and Mr. Speaker—6.

Ayes 18, noes 6.

So the bill passed.

Title amended so as to read "To dissolve the bonds of matrimony between Francis Crane and Philipa H. Crane."

Title as amended agree to.

Committee on engrossed bills submitted the following report:

MR. SPEAKER:—Your committee on engrossed bills beg leave to report H. B. Nos. 4, 10, 22, 33, 36 and 39 as correctly engrossed. O. A. WHITTEMORE, Ch'n.

Mr. Stone, pursuant to previous notice, introduced

H. B. No. 44, a bill to provide for an act amendatory of an act entitled "An act concerning arbitrations and awards."

Mr. Kenyon gave notice that on to-morrow or some subsequent day he would introduce

A bill to incorporate the Cache-la-Poudre and Platte River Bridge Company.

Mr. Slaughter gave notice that on a future day he would introduce

A bill for an act to change the name of Arapahoe County.

Mr. Wilhite gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to incorporate the Platte Cañon and Deer Creek Water, Ditch and Milling Company.

Mr. Gallejos gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to repeal an act entitled "An act to prevent the introduction of stock into the Territory of Colorado, for the purpose of grazing."

Pursuant to previous notice, Mr. Slaughter introduced

H. B. No. 45, a bill for an act to regulate the receiving of tolls on unchartered bridges.

Committee on incorporations submitted the following report:

MR. SPEAKER: Your committee on incorporations have had H. B. No. 30 under consideration, and beg leave to report the same back with the following amendments, and recommend its passage: In Sec. 3 strike out all after the word "alone," in the forty-third line; also, amend Sec. 4 by adding "Provided always, that the said capital stock of the company shall at no time exceed the sum of one hundred thousand dollars."

Also, have had H. B. No. 38 under consideration, and beg leave to report the same with the following amendment: by adding an additional section, and recommend its passage.

Also, H. B. Nos. 35 and 28, and beg leave to report the same back without amendment, and recommend their passage.

G. M. CHILCOTT, Chairman.

The committee on counties and county lines submitted the following report:

MR. SPEAKER: Your committee, to whom was referred H. B. No. 34, have had the same under consideration, and also a petition from one hundred and seventy-five of the citizens of Conejos, praying for the consolidation of the counties of Costilla and Conejos. Your committee would report the same back and ask that the same do pass.

D. POWELL, Chairman.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, July 23d, 1862.

MR. SPEAKER: I have the honor to inform your honorable body that the Council has concurred in H. B. No. 12, a bill for an act to dissolve the bonds of matrimony between W. W. Silsby and Laura Silsby, with the following amendment: to insert, in place of "W. W. Silsby," "William W. Silsby," whenever the name occurs; and respectfully ask the concurrence of your honorable body therein.

Very respectfully,
JNO. HOWARD,
Sec'y of Council.

Mr. Holly moved to concur in the amendment proposed by the Council to H. B. No. 12.

Ayes and noes called for.

Ayes—Messrs. Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Noteware, Oakes, Powell, Steel, Stone, Witter, and Mr. Speaker—16.

Noes—Messrs. Chaffee, Hanscome, Hayes, Martine, Scudder, Slaughter, Whittemore and Wilhite—8.

Ayes 16, noes 8.

So the House concurred.

Mr. Hanscome moved to reconsider the vote whereby H. B. No. 43 was referred to committee.

Carried.

H. B. No. 43 was then referred to a select committee, consisting of

Messrs. Hanscome, Whittemore and Witter.

A majority of the committee on roads and bridges submitted the following report:

To the Speaker of the House of Representatives:

Your committee on roads and bridges, to whom was referred H. B. No. 29, have had the same under consideration, and beg leave to make the following report: That in Sec. 2, eleventh line, strike out the words "seventy-five cents," and insert "one dollar;" and in the last line of same section, strike out the word "ten," and insert "five." With the above amendments, we recommend its passage.

Very respectfully submitted,

JOHN FOSHER,
EDWIN SCUDDER.

Mr. Witter submitted the following minority report:

Mr. SPEAKER: The undersigned, a minority of the committee on roads and bridges, to whom was referred H. B. No. 29, beg leave to make the following report: The Town Company of Pueblo ask for a charter to maintain a ferry or bridge across the Arkansas River, and ask that they may be allowed to collect seventy-five cents toll on each wagon drawn by two horses, etc. The undersigned does not agree with the majority of the committee in recommending that said company shall have the right to collect a higher rate of toll than they asked for in the original bill, as it is believed by him that said rate of toll was designedly put thus low by said company to draw travel by way of their town. DANIEL WITTER.

Mr. Chilcott moved that the majority report be adopted.

Adopted.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, July 23d, 1862.

MR. SPEAKER: I have the honor to inform your honorable body that the Council has passed C. B. No. 14, an act to dissolve the bonds of matrimony between Elizabeth Graves and John J. Graves, Jr., and respectfully ask your concurrence therein.

Very respectfully, JNO. HOWAAD,
Sec'y of Council.

Mr. Chaffee presented the following petitions, which were read:

To the Hon. the Council and House of Representatives of the Territory of Colorado, in general assembly convened:

We, the undersigned, practicing attorneys in Gilpin and Clear Creek counties, in the Second Judicial District of said

Territory, learning that a move is being made before your honorable body to change our practice, and introduce an entire new system, commonly called "the code," and believing that so radical a change will be in the highest degree detrimental to the best interests of the Territory, do most earnestly remonstrate against the adoption of a code, or the making of any important change in our present statute in that respect.

H. A. Johnson,
Chas. C. Post,
H. M. Teller,
D. C. Collier,
A. Marsh,
B. B. Siggins,
Thos. Carleton,
G. B. Reed,
Allyn Weston,
C. R. Bissell.

July 19th, 1862.

To the Hon. the Council and House of Representatives of the Territory of Colorado, in general assembly convened:

The undersigned, practicing attorneys, residing in Denver city, hearing that a proposition has been submitted to your honorable bodies to change the present system of law practice recently adopted in said Territory, do hereby respectfully remonstrate against any change as contemplated, or any radical change whatever.

George W. Purkins,
J. Bright Smith,
John Q. Charles,
H. R. Hunt,
J. N. O'Dell,
John Wanless,
Moses Hallett,
James Macdonald,
L. B. France,
P. P. Wilcox,
Clitus Barbour.

Referred to judiciary committee.

Mr. Whittemore moved that the resolution fixing the time of adjournment of the Legislature be now taken up.

Ayes and noes called for.

Ayes — Chaffee, Hanscome, Hayes, Noteware, Scudder, Whittemore, Witter, and Mr. Speaker—8.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Oakes, Powell, Slaughter, Steel, Stone, and Wilhite—16.

Ayes 8, noes 16.

The motion did not prevail, and the resolution lays upon the table.

Mr. Chaffe offered the following resolution:

Resolved, That the select committee, to whom was referred the investigation into the facts regarding certain complaints made against Judge Chas. Lee Armour, with a view to memorialize the President of the United States, be instructed to

notify him of their time of meeting, and invite him to be present if he desires, and to offer any testimony consistent with the object of said investigation.

Which was adopted.

Mr. Noteware offered the following resolution:

Resolved, That a special committee of five be appointed, whose duty it shall be to examine fully all applications for divorce.

Mr. Chaffee moved to lay it upon the table.

Carried.

So the resolution was laid on the table.

Mr. Noteware moved to re-consider the vote.

Lost.

Mr. Hayes gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for an act to dissolve all marriage contracts in this Territory.

Mr. Hanscome moved to adjourn.

Ayes—Chilcott, Gallejos, Garcia, Hamilton, Hayes, Hanscome, Holly, Martine, Oakes, Powell, Scudder, Steel, Stone, Wilhite, and Mr. Speaker—15.

Noes—Barela, Beach, Chaffee, Fosher, Kenyon, Noteware, Slaughter, Whittemore, and Witter—9.

Ayes 15, noes 9.

So the House adjourned.

THURSDAY, July 24th.

House met at 9 o'clock, a. m., pursuant to adjournment.

Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Harbour, Kenyon, Steel and Wilhite.

On motion of Mr. Fosher,

The reading of the journal was dispensed with.

Committee on elections submitted the following report:

REPORT OF COMMITTEE ON ELECTIONS AND APPORTIONMENT.

Your committee, to whom was referred H. B. No. 40, would report that they have had the same under consideration

and beg leave to report the same back, without amendment, and respectfully recommend its passage.

M. S. BEACH, Chairman.
C. F. HOLLY,
JOSE FRANCISCO GALLEJOS,
J. B. CHAFFEE,
DANIEL STEEL.

Committee of ways and means submitted the following report:

MR. SPEAKER:—The committee of ways and means, to whom was referred H. B. No. 16, beg leave to report that they have had the same under consideration, and recommend to the House the indefinite postponement of the same.

EDWIN SCUDDER,
H. B. HAYES,
D. POWELL,
J. H. NOTEWARE.

Committee on incorporations submitted the following report:

MR. SPEAKER:—Your committee on incorporations have had H. B. No. 41 under consideration, and beg leave to report the same back without amendment, and recommend its passage. G. M. CHILCOTT, Chairman.

Time was granted Mr. Chaffee to prepare and present a minority report upon H. B. No. 41.

Mr. Chilcott submitted the following report from special committee:

MR. SPEAKER:—Your select committee to whom was referred H. B. No. 37, have had the same under consideration, and beg leave to report the following bill as a substitute, and recommend its passage. G. M. CHILCOTT, Chairman.
JESUS M. BARELA,
JOSE VICTOR GARCIA.

Mr. Beach gave notice that he would on to-morrow or some subsequent day, introduce

A bill for an act to incorporate the "South Platte and Fontaine qui Bouille Irrigating and Ditch Company."

Also,

A bill for an act to locate a Territotial road from the mouth of Beaver Creek to Colorado City.

Mr. Fosher gave notice that on to-morrow or some subsequent day, he would introduce

A bill for a memorial to the Congress of the United States relating to the printing of the laws in the Spanish language.

Pursuant to previous notice, Mr. Slaughter introduced

H. B. No. 46, a bill for an act to change the name of Arapahoe county.

Pursuant to previous notice, Mr. Noteware introduced

H. B. No. 47, a bill for an act to invest religious societies with certain powers of bodies corporate.

Mr. Kenyon appeared and took his seat.

Pursuant to previous notice, Mr. Hayes introduced

H. B. No. 48, a bill for an act to dissolve all bonds of matrimony.

Pursuant to previous notice, Mr. Beach introduced

H. B. No. 49, a bill for an act to incorporate the Ute Pass Wagon Road Company.

Also,

H. B. No. 50, a bill for an act to authorize the collection of taxes in certain contingencies.

Pursuant to previous notice, Mr. Witter introduced

H. B. No. 51, a bill for an act defining where suits shall be commenced before justices of the peace.

Also,

H. B. No. 52, a bill for an act dissolving the bonds of matrimony between James Wright and Marcella Wright.

Pursuant to previous notice, Mr. Gallejos introduced

H. B. No. 53, a bill for an act repealing an act entitled "An act to prevent the importation of stock into the Territory of Colorado for the purpose of grazing."

Pursuant to previous notice, Mr. Kenyon introduced

H. B. No. 54, a bill for an act to incorporate the Cache-la-Poudre and Platte River Bridge Company.

Mr. Steele appeared and took his seat.

First reading of Council bills:

C. B. No. 7, a bill for an act to locate the county seat of Park county, and to legalize certain acts therein named.

C. B. No. 14, a bill for an act to dissolve the bonds of matrimony between Elizabeth Graves and John J. Graves, Jr.

Leave being granted, the judiciary committee reported back

C. B. No. 5, concerning bonds of masters and receivers in chancery,

With a recommendation that the bill pass without amendment.

Report received.

Bills read a second time and referred:

On motion of Mr. Witter,

C. B. No. 7

Was referred to a special committee.

The Speaker appointed Messrs. Witter, Stone and Fosher, as such committee.

Mr. Chilcott moved to refer

C. B. No. 14

To a select committee.

Mr. Hayes moved to amend by referring to a committee of five, to whom all divorce cases shall be referred which are presented during the present session.

Ayes and noes called for.

Ayes—Barela, Chaffee, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Kenyon, Martine, Noteware, Oakes, Whittemore and Mr. Speaker—13.

Noes—Beach, Chilcott, Fosher, Holly, Powell, Slaughter, Steel, Stone and Witter—9.

Ayes 13, nays 9.

So the amendment of Mr. Hayes prevailed.

The question recurring upon the original motion, as amended,

Ayes and noes called for.

Ayes—Barela, Chaffee, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Kenyon, Martine, Noteware, Oakes, Slaughter, Whittemore and Mr. Speaker—14.

Nays—Beach, Chilcott, Fosher, Holly, Powell, Steel, Stone and Witter—8.

Ayes 14, noes 8.

So the motion as amended prevailed.

The Speaker appointed as such committee, Messrs. Hayes, Chaffee, Hanscome, Chilcott and Witter.

Mr. Steele asked to be excused for this day, and he was so excused.

The committee on territorial affairs submitted the following report:

Your committee, to whom was referred H. B. No. 19, beg leave to report the same back with the following amendment to Sec. 4, of said bill, as follows, to-wit: Add to said section:

Provided, That the value of said land, town lots, or gulch or lode claims, shall in no case exceed the sum of five thousand dollars.

And would recommend its passage.

WM. M. SLAUGHTER, Ch'n.
JOS. KENYON,
—— GALLEJOS.

Mr. Chaffee submitted the following minority report:

MR. SPEAKER:—The undersigned, a minority of committee on incorporations, to whom was referred H. B. No. 41, would respectfully represent that in this bill the incorporators have the exclusive right to build or construct a telegraph line from Denver to Julesburg, or any other point connecting with the line to the Pacific, and also gives them two years to commence said line and five years to complete the same, thus virtually preventing any line being constructed within five years, unless said company should deem it advisable or unless said company should sell their franchises, which seems to the undersigned to be the object of this bill. Believing there are parties now arranging to construct said line, the undersigned thinks it might be highly detrimental to the interests of the city of Denver and the Territory at large, to give any company the entire control, as asked for in this bill. In view of the above facts, the undersigned would recommend that the bill be so amended as to make it necessary to commence building said line within three months, and complete the same within one year from the passage of this charter.

J. B. CHAFFEE.

Second reading of House bills:
H. B. No. 44,
Referred to judiciary committee.
H. B. No. 45,
Referred to committee of the whole.
H. B. No. 46,
Referred to committee on counties and county lines.
H. B. No. 47,
Referred to committee of the whole.
Mr. Wilhite appeared and took his seat.
Mr. Fosher moved to indefinitely postpone
H. B. No. 48.
Ayes and noes called for.
Ayes—Beach, Chilcott, Fosher, Gallejos, Garcia, Holly, Oakes, Wilhite, and Witter—9.
Noes—Barela, Chaffee, Hamilton, Hanscome, Hayes, Kenyon, Martine, Noteware, Powell, Scudder, Slaughter, Stone, Whittemore, and Mr. Speaker—14.
Ayes 9, noes 14.
So the motion was lost.
Mr. Chaffee moved that
H. B. No. 48 be referred to committee on Indian relations.
Mr. Fosher moved to refer to committee on Federal affairs.
Lost.
Mr. Chaffee's motion was then carried.
H. B. No. 49,

Referred to committee on incorporations.
H. B. No. 50,
Referred to committee on ways and means.
H. B. No. 51,
Referred to committee on judiciary.
H. B. No. 52,
Referred to select committee on divorce, appointed this day.
H. B. No. 53,
Referred to committee on agriculture.
H. B. No. 54,
Referred to committee on incorporations.
Third reading of House Bills:

H. B. No. 4, a bill for an act to amend an act to incorporate the the Bear Cañon Road Company, approved November 7th, 1861.

Vote on final passage of bill:

Ayes—Barela, Beach, Chilcott, Fosher, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, and Wilhite—15.

Noes—Chaffee, Gallejos, Garcia, Scudder, Whittemore, Witter, and Mr. Speaker—7.

Ayes 15, noes 7.

So the bill passed and the title was agreed to.

H. B. No. 10 was taken up.

Mr. Witter moved to fill the blank in Sec. 6 by inserting "the first Monday in May, 1863."

Carried.

Mr. Hanscome moved to strike out Sec. 1, and insert a similar section, with the words "and subscribers" after the word "purchasers."

Carried.

Mr. Noteware moved to refer the bill back to committee on engrossment.

Lost.

Mr. Holly moved that H. B. No. 10 be considered engrossed as amended.

Carried.

Vote on final passage of H. B. No. 10, a bill for an act to incorporate the Vasquez River Irrigating and Hydraulic Company:

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hayes, Holly, Kenyon, Noteware, Oakes, Powell, Scudder, Slaughter, Stone and Wilhite—17.

Noes—Chaffee, Hanscome, Martine, Whittemore, Witter, and Mr. Speaker—6.

Ayes 17, noes 6.

So the bill passed, and the title was agreed to.

H. B. No. 32, a bill for an act to repeal an act for the protection of trout fish.

Mr. Slaughter moved that the bill be postponed until Monday, the 28th inst., at two o'clock, p. m.

Ayes and noes called for.

Ayes—Barela, Beach, Fosher, Gallejos, Garcia, Martine, Powell, Scudder and Slaughter—9.

Noes—Chaffee, Chilcott, Hamilton, Hanscome, Hayes, Holly, Kenyon, Noteware, Oakes, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—14.

Ayes 9, noes 14.

So the motion was lost.

Vote on final passage of the bill:

Ayes—Barela, Chilcott, Fosher, Garcia, Holly, Martine, Powell, Slaughter and Witter—9.

Noes—Beach, Chaffee, Gallejos, Hamilton, Hanscome, Hayes, Kenyon, Noteware, Oakes, Scudder, Stone, Whittemore, Wilhite and Mr. Speaker—14.

Ayes 9, noes 14. So the bill did not pass.

H. B. No. 33, a bill for an act to amend act regulating fees of officers, jurors and witnesses.

Vote on final passage of the bill:

Ayes—Barela, Chilcott, Fosher, Gallejos, Garcia, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—20.

Noes—Beach, Chaffee and Hamilton—3.

Ayes 20, noes 3.

So the bill passed and title agreed to.

H. B. No. 36, a bill for an act amendatory of an act concerning judgments and executions.

Vote on final passage:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—20.

Nay—Mr. Hayes.

Ayes 20, nay 1.

So the bill passed and title was agreed to.

H. B. No. 39, a bill for an act amendatory of an act entitled "An act regulating elections,"

Was read.

Mr. Chaffee moved to adjourn until two o'clock.

Ayes and noes called for.

Ayes—Chaffee, Gallejos, Garcia, Hanscome, Hayes, Noteware, Oakes, Powell, Scudder, Whittemore, Wilhite, Witter, and Mr. Speaker—13.

Noes—Barela, Beach, Chilcott, Fosher, Hamilton, Holly, Kenyon, Martine, Slaughter and Stone—10.

Ayes 13, noes 10.

The motion prevailed and the House adjourned.

AFTERNOON SESSION.

House met at 2 o'clock, pursuant to adjournment.

Speaker in the Chair.

Quorum present.

Question before the House was on the passage of H. B. No. 39.

Mr. Witter moved that the bill be re-committed to the judiciary committee.

Carried.

Mr. Holly, from judiciary committee, submitted the following report:

To the Hon. the House of Representatives:

The undersigned, the judiciary committee, in obedience to the instructions of this House, beg leave herewith to report "An act defining and regulating the practice and proceedings in courts of justice, and for other purposes," and recommend (J. B. Chaffee dissenting,) that the same do pass. They recommend that the bill be made the special order in the House for Monday, July 28th, at ten o'clock, a. m., and ordered printed. Respectfully submitted,

CHAS. F. HOLLY, Ch'n.

Consideration of bills reported back;

H. B. No. 34, read.

Mr. Chaffee moved that the blll be ordered engrossed for final passage.

Mr. Barela moved that the bill be indefinitely postponed.

Lost.

Mr. Hanscome moved that the bill be re-committed to committee on counties and county lines.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Hamilton, Hanscome, Holly, Kenyon, Martine, Oakes, Powell, Stone and Mr. Speaker —12.

Noes—Chilcott, Fosher, Gallejos, Garcia, Hayes, Noteware, Scudder, Slaughter, Whittemore, Wilhite and Witter —11.

Ayes 12, noes 11.

So the motion prevailed, and the bill was re-committed.

Mr. Fosher moved that the committee be instructed to report a bill for the consolidation of Conejos and Costilla counties, to be submitted to the vote of the people at the next general election.

Carried.

H. B. No. 30 read.

Mr. Chaffee moved that the report of the committee on H. B. No. 30, be adopted.

Carried.

Mr. Hanscome moved to strike out Sec. 3.

Mr. Holly moved to strike out the last clause of Sec. 3.

Ayes and noes called for.

Ayes—Barela, Beach, Fosher, Hamilton, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Stone, Wilhite and Witter—15.

Noes—Chaffee, Chilcott, Gallejos, Hanscome, Scudder, Whittemore and Mr. Speaker—7.

Ayes 15, noes 7.

So the amendment prevailed, and the last clause of Sec. 3 was stricken out.

The question recurring upon the original motion as amended;

Ayes and noes called for.

Ayes—Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Noteware, Oakes, Slaughter, Stone and Wilhite—14.

Noes—Barela, Chaffee, Hanscome, Hayes, Powell, Scudder, Whittemore, Witter and Mr. Speaker—9.

Ayes 14, nays 9.

So the motion as amended prevailed.

Mr. Chaffee moved to strike out the words "or upon or within any lodes" in Sec. 3.

Carried.

Mr. Fosher moved to order the bill engrossed.

Carried.

Mr. Chaffee moved to lay H. B. No. 38 upon the table.

Lost.

Mr. Chaffee moved to postpone till next Tuesday.

Carried.

No. 28 was read.

Mr. Chilcott moved that the bill be considered engrossed for a third reading.

Carried.

No. 35 was read.

Mr. Witter moved that the bill be considered engrossed for a third reading.

Carried.

No. 29 was read,

And on motion, the bill was ordered engrosted for a third reading.

Mr. Holly moved that the code reported by the judiciary committee be ordered printed and made the special order for next Monday at ten o'clock, a. m.

Mr. Chaffee moved to amend by postponing the consideration of the motion until next Monday.

Ayes and noes called for.

Ayes—Beach, Chaffee, Fosher, Gallejos, Garcia, Hamilton, Hayes, Kenyon, Martine, Oakes, Whittemore, Wilhite, and Mr. Speaker—13.

Noes—Barela, Chilcott, Hanscome, Holly, Noteware, Powell, Scudder, Slaughter, Stone, and Witter—10.

Ayes 13, noes 10.

The motion prevailed, and

The consideration of the motion was postponed until next Monday.

Mr. Holly gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for an act for a general incorporation law.

Also,

A bill to prevent the introduction of stock belonging to non-residents, into Boulder county for grazing purposes.

Mr. Slaughter gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for an act relating to horses, mules and cattle.

Mr. Kenyon gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for an act to incorporate the Fremont's Orchard Plank Road and Turnpike Company.

Mr. Hayes gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to provide for penalties for the violation of the license law.

Mr. Oakes gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for an act to incorporate the Beaver Creek, Kiowa and Denver Wagon Road Company.

Also,

A bill to locate a Territorial road from Denver to Colorado City, thence to the south line of the Territory, on the best practicable route to Santa Fe, New Mexico.

Pursuant to previous notice, Mr. Witter introduced

H. B. No. 55,

A bill for an act to incorporate the Fairplay Ditch Company.

Previous notice having been given, Mr. Wilhite introduced H. B. No. 56,

A bill for an act to incorporate the Platte Cañon and Deer Creek Water, Ditch and Milling Company.

Mr. Powell gave notice that on to-morrow or some subsequent day, he would introduce

A bill for an act for the location of the Penitentiary of Colorado Territory.

Pursuant to previous notice, Mr. Gallejos introduced

H. B. No. 57, a bill for an act to incorporate a free cemetery.

Committee on enrollment submitted the following report:

MR. SPEAKER: Your committee on enrollment beg leave to report that they have examined and compared H. B. No. 12, and report the same correctly enrolled. Also, H. B. No. 8, authorizing county clerks to take acknowledgments of deeds.

E. S. WILHITE, Ch'n,
M. S. BEACH,
W. M. SLAUGHTER.

The report was received.

Mr. Wilhite was called to the chair, whereupon

Mr. Crocker gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for an act to incorporate the Eldorado Ditch Company.

Also,

A bill for an act authorizing the dismissal of causes in vacation.

Also,

A bill for an act prescribing the rate of interest.

Pursuant to previous notice, Mr. Whittemore introduced

H. B. No. 58, a bill for an act to dissolve the bonds of matrimony between Wm. Oddy and Mary Ann Oddy.

Also,

H. B. No. 59, a bill for an act to legalize the assessment of Summit County.

On motion of Mr. Fosher,

The House adjourned.

FRIDAY, JULY 25th.

House met at 9 o'clock, a. m., pursuant to adjournment.

Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Chaffee, Harbour and Steele.

Mr. Oakes, from committee on agriculture, submitted the following report:

MR. SPEAKER:—Your committee to whom was referred H. B. No. 53, have had the same under consideration and ask leave to report the same back and recommend its passage.

D. C. OAKES, Ch'n.

Report received.

Mr. Hanscome from special committee on H. B. Nos. 9 and 11, offered a minority report.

Messrs. Steele and Chaffee appeared and took their seats.

Mr. Fosher moved that the report of the minority of the committee be rejected.

Ayes and noes called for.

Ayes—Messrs. Barela, Beach, Chilcott, Fosher, Hamilton, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Stone, Whittemore, Wilhite, Witter, and Mr. Speaker—17.

Noes—Messrs. Chaffee, Gallejos, Garcia, Hayes, Scudder and Steel—6.

Mr. Hanscome was excused.

Ayes 17, noes 6.

So the minority report was rejected.

Mr. Holly offered the following preamble and resolution, and moved its adoption:

WHEREAS, Numerous bands of Indians are now gathered in Boulder and other counties of the Territory, stealing horses, killing cattle, despoiling houses and threatening other depredations, and

WHEREAS, There is no existing law authorizing the enrollment of volunteers to redress or prevent these outrages, in the absence of Federal aid it is very desirable that some practicable and judicious system for the organization of the militia should be speedily adopted; therefore

Resolved, That the military committee be requested to report to this House the bill to organize the militia already committed to them, or some other one, at an early a day as practicable.

Resolution adopted.

Mr. Witter gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for an act to incorporate the Hamilton Tunnel and Flume Company.

Mr. Holly gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to amend an act entitled "An act providing for the collection of the revenue," approved Nov. 7, '61.

Mr. Barela gave notice that he would, on to-morrow or some subsequent day, introduce

A bill entitled "An act to prevent the natural salt springs from being taken up by individuals for their exclusive benefit."

Mr Fosher gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for the protection of all sorts of game, at certain seasons of the year, in this Territory.

Introduction and first reading of bills:

Pursuant to previous notice, Mr. Holly introduced

H. B. No. 60, a bill for an act to prevent the introduction of stock, belonging to non-residents, into Boulder County for grazing and for other purposes.

Pursuant to previous notice, Mr. Slaughter introduced

H. B. No. 61, a bill for an act in relation to horses, mules and cattle.

Pursuant to previous notice, Mr. Kenyon introduced

H. B. No. 62, a bill for an act to incorporate the Fremont Orchard Plank Road and Turnpike Company.

Pursuant to previous notice Mr. Stone introduced

H. B. No. 63, a bill for an act relating to fencing.

Mr. Holly moved that the code bill be ordered printed.

The Speaker decided that the motion was not now in order.

Mr. Holly took an appeal from the decision of the chair.

The question being, Shall the House stand by the decision the chair.

Ayes and noes called for.

Ayes—Chaffee, Fosher, Gallejos, Garcia, Hayes, Martine, Noteware, Oakes, Steele, Whittemore and Witter—11.

Noes—Barela, Beach, Chilcott, Hamilton, Hanscome, Holly, Powell, Scudder, Slaughter, Stone and Wilhite—11.

Ayes 11, noes 11.

So the decision of the Chair was sustained.

Special order of the day:

H. B. No. 2, a bill for an act to frame a constitution and state government for the State of Colorado,

Was read.

Mr. Chaffee moved that the further consideration of the bill be indefinitely postponed.

Ayes and noes called for.

Ayes—Barela, Chaffee, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Kenyon, Martine, Oakes, Stone, Whittemore, Witter and Mr. Speaker—14.

Noes—Beach, Chilcott, Fosher, Holly, Noteware, Powell, Slaughter, Steele, and Wilhite—9.

Ayes 14, noes 9.

So the motion prevailed and the bill indefinitely postponed.

Pursuant to previous notice, Mr. Fosher introduced

Joint memorial to Congress to have the laws of the Territory printed in the Spanish language.

Pursuant to previous notice, Mr. Crocker introduced

H. B. No. 64, a bill for an act to incorporate the Eldorado Ditch Company.

All of which were read a first time by title.

Second reading and reference of bills:

H. B. Nos. 55 and 56,

To committee on incorporations.

H. B. No. 57,

To committee of the whole.

H. B. No. 58,

To committee on divorce.

H. B. No. 59,

To committee on judiciary.

H. B. Nos. 60 and 61,

To committee on agriculture.

H. B. No. 62,

To committee on incorporations.

H. B. No. 63,

To committee on agriculture.

H. B. No. 64,

To committee on incorporations.

J. M. No. 1,

To the committee of the whole.

Consideration of bills reported back from committees:

H. B. No. 57, read.

Mr. Holly moved that the bill be considered engrossed for a third reading.

Mr. Noteware moved to adjourn till 10 o'clock to-morrow.

Ayes and noees called for.

Ayes—Fosher, Hamilton, Kenyon, Martine, Noteware, Oakes, Scudder and Witter—8.

Noes—Barela, Beach, Chaffee, Chilcott, Gallejos, Garcia, Hanscome, Hayes, Holly, Powell, Slaughter, Steel, Stone, Whittemore, Wilhite and Mr. Speaker—16.

Ayes 8, noes 16.

So the motion to adjourn was lost.

Mr. Wilhite moved that the House adjourn till 2 o'clock.

Carried.

AFTERNOON SESSION.

House met at 2 o'clock pursuant to adjournment.

Speaker in the chair.

Quorum present.

Consideration of bills reported back by committees:

H. B. No. 57.

Motion to consider bill engrossed, being under discussion,

Mr. Witter moved to amend by ordering the bill engrossed for a third reading.

Amendment accepted.

Motion as amended carried.

H. B. No. 19, a bill for an act to secure homesteads.

Mr. Chaffee moved that the bill be laid upon the table until it be printed.

Carried.

H. B. No. 16.

Mr. Witter moved that the report of the committee on ways and means be adopted.

Ayes and noes called for.

Ayes—Chaffee, Gallejos, Garcia, Hanscome, Hayes, Kenyon, Martine, Noteware, Powell, Whittemore, Wilhite, Witter, and Mr. Speaker—13.

Noes—Beach, Chilcott, Hamilton, Holly, and Stone—5.

Ayes 13, noes 5.

So the report was adopted, and the bill indefinitely postponed.

H. B. No. 40 was read.

Mr. Stone moved that the bill be recommitted to judiciary committee.

Carried.

C. B. No. 5 was read.

On motion of Mr. Noteware, the bill was ordered to a third reading.

H. B. No. 41 was read with reports.

Mr. Chaffee moved to adopt the minority report of the committee.

Mr. Slaughter moved to amend, by adopting the majority report.

Ayes and noes called for.

Ayes—Beach, Chilcott, Fosher, Holly, Powell, Slaughter, and Wilhite—7.

Noes—Barela, Chaffee, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Kenyon, Martine, Noteware, Scudder, Steele, Stone, Whittemore, Witter, and Mr. Speaker—16.

Ayes 7, noes 16.

So the amendment was lost.

The question recurring upon the original motion,

The motion was carried, and the minority report adopted.

Mr. Chaffee moved to amend by striking out the words "two years," and insert "three months;" also, by striking out "five years," and inserting "one year," in the section where they occur.

Mr. Hanscome moved that the bill be indefinitely postponed.

The ayes and noes were called for.

Ayes—Chaffee, Hanscome, and Noteware—3.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hayes, Holly, Kenyon, Martine, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter, and Mr. Speaker—21.

Ayes 3, noes 21.

So the motion to postpone was lost.

Mr. Scudder moved to lay upon the table.

Ayes and noes called for.

Ayes—Scudder, Whittemore, and Witter—3.

Noes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Steele, Stone, Wilhite, and Mr. Speaker—21

Ayes 3, noes 21.

So the motion was lost.

Mr. Holly moved to amend the amendment by striking out "three months," and inserting "one year;" and by striking out "one year," and inserting "three years."

Mr. Holly asked for a division of the question on the amendment to the amendment.

Ayes and noes called for.

Ayes—Beach, Chilcott, Holly, Kenyon, Oakes, and Steele—6.

Noes—Barela, Chaffee, Fosher, Gallejos, Garcia, Hamilton, Hayes, Martine, Noteware, Powell, Scudder, Slaughter, Stone, Hanscome, Whittemore, Wrlhite, Witter, and Mr. Speaker—18.

Ayes 6, noes 18.

So the amendment to the amendment to strike out "three months," and insert "one year," was lost.

Mr. Holly withdrew the remaining portion of the amendment to the amendment, and

The vote on Mr. Chaffee's amendment was then taken.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Stone, Whittemore, Witter, and Mr. Speaker—21.

Noes—Holly, Steel, and Wilhite—3.

Ayes 21, noes 3.

So the amendment prevailed.

Mr. Holly moved to insert "exclusive" in the first section.

Carried.

Mr. Fosher moved to order the bill engrossed.

Mr. Scudder moved to amend, that the bill be considered engrossed.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Steele, Stone, and Wilhite—17.

Noes—Chaffee, Hanscome, Hayes, Slaughter, Whittemore, Witter, and Mr. Speaker—7.

Ayes 17, noes 7.

So the amendment prevailed.

Motion as amended carried.

Mr. Whittemore submitted the following report:

MR. SPEAKER: Your committee on engrossing beg leave to report H. B. Nos. 13, 15, 29 and 30, as correctly engrossed.

O. A. WHITTEMORE, Ch'n.

Report received.

Third reading of House Bills:

H. B. No. 28.

Vote on final passage of bill:

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, and Witter—19.

Noes—Chaffee, Hanscome, Whittemore, Wilhite, and Mr. Speaker—5.

Ayes 19, noes 5.

So the bill passed, and the title was agreed to.

H. B. No. 35.

Vote on final passage of the bill:

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Martine, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Wilhite, and Witter—19.

Noes—Chaffee, Hanscome, Hayes, Kenyon, Whittemore, and Mr. Speaker—6.

Ayes 17, noes 6.

So the bill passed and the title was agreed to.

H. B. No. 41 was read.

Mr. Chaffee moved to strike out Sec. 9, and insert:

"SEC. 9. This exclusive privilege of erecting and building a telegraph line from the points mentioned in this act, shall be forfeited provided said company shall not have commenced the construction of said line within three months, and shall not have finished the same within one year from the passage of this act."

Adopted.

Mr. Whittemore moved to re-consider the vote whereby the bill was considered engrossed.

Carried.

Mr. Holly withdrew his motion.

Mr. Chaffee moved that H. B. No. 41 be ordered engrossed.

Carried.

H. B. No. 13.

Mr. Fosher moved that Sec. 14 be stricken out.

Carried.

Vote on final passage of the bill:

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hayes, Holly, Kenyon, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, and Wilhite—18.

Noes—Chaffee, Hanscome, Martine, Whittemore, and Witter—5.

Ayes 18, noes 5.

Bill passed and title agreed to.

H. B. No. 30, read.

Vote on final passage of the bill:

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Stone, and Witter—16.

Noes—Chaffee, Hanscome, Hayes, Scudder, Steele, Whittemore, Wilhite, and Mr. Speaker—8.

Ayes 16, noes 8.

So the bill passed and title agreed to.

H. B. No. 15.

Vote on final passage of the bill:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Steel, and Stone—18.

Noes—Hanscome, Scudder, Whittemore, Wilhite, Witter, and Mr. Speaker—6.

Ayes 18, noes 6.

So the bill passed and title was agreed to.

H. B. No. 29.

Vote on final passage of the bill:

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia,

Hamilton, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, and Wilhite—18.

Noes—Chaffee, Hanscome, Hayes, Whittemore, Witter, and Mr. Speaker—6.

Ayes 18, noes 6.

So the bill passed and the title was agreed to.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, July 25th, 1862.

MR. SPEAKER:—I am instructed to inform your honorable body, that the Council has passed C. B. No. 11, an act to change the name of Lazarus B. McLain. Also, C. B. No. 13, an act to authorize the appointment of county commissioners in special cases, and respectively request the concurrence of your honorable body therein.

Very Respectfully,

JOHN HOWARD,

Secretary of the Council.

Mr. Wilhite moved that the House go into committee of the whole.

Lost.

Mr. Hayes offered the following resolution, and moved its adoption:

Resolved, That when this House adjourn it shall be to meet on Monday next at 10 o'clock, a. m.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Hamilton, Hanscome, Hayes, Kenyon, Martine, Noteware, Oakes, Scudder, Steele, Wilhite and Witter—14.

Noes—Chilcott, Fosher, Gallejos, Garcia, Holly, Powell, Slaughter, Stone, Whittemore and Mr. Speaker—10.

Ayes 14, noes 10.

So the resolution was adopted.

Mr. Hanscome moved the adoption of the following resolution:

Resolved, That the "code" as reported by the judiciary committee, be made the special order for next Friday, at ten o'clock in the forenoon, and that the same be ordered printed.

Mr. Chaffee asked for a division of the resolution.

It was so divided, and

Both parts adopted.

Resolution was therefore adopted.

Mr. Noteware offered the following resolution, and moved its adoption:

Concurrent Resolution for the better representation of Colorado Territory in Congress:

WHEREAS, Colorado Territory, from her isolated position and remoteness from her sister Territories and the States of the Federal Union, is but little understood throughout the East, and her wants and interests fail to receive the attention her importance demands, and

WHEREAS, We are closely identified by a common bond of unity of interest with the contiguous State of Kansas, of which State we but recently formed an integral part, and regard the interests and prosperity of Colorado Territory as identical with those of Kansas, and

WHEREAS, Having confidence in the faithfulness, patriotism and ability of Hon. S. C. Pomeroy, and Jas. H. Lane, Senators from Kansas, therefore be it

Resolved by the Legislature of the Territory of Colorado, That the Hon. S. C. Pomeroy and Hon. Jas. H. Lane, are respectfully requested to use their influence for those measures that tend to develop our resources and promote our prosperity, and, in the absence of any regular State organization, act for us in the stead of representatives in the U. S. Senate, and assume the guardianship of our rights and interests as though they were the true and regularly accredited representatives of this Territory.

Resolved, That the Secretary of the Territory be requested to forward a copy of these resolutions to Hon. S. C. Pomeroy and Hon. J. H. Lane.

Mr. Holly moved that the resolution be indefinitely postponed.

Ayes and noes called for.

Ayes—Barela, Chaffee, Chilcott, Gallejos, Hayes, Holly, Martine, Oakes, Powell, Slaughter, Steele, Stone and Wilhite —13.

Noes—Beach, Fosher, Hamilton, Hanscome, Noteware, Scudder, Whittemore, Witter and Mr. Speaker—9.

Ayes 13, noes 9.

So the motion prevailed and the resolution was indefinitely postponed.

Mr. Whittemore offered the following resolution and moved its adoption:

Resolved, by the Council and House of Representatives of Colorado Territory, That this Legislature adjourn *sine die* on Saturday, the 2d day of August next.

Mr. Holly moved that the resolution be laid on the table.

Ayes and noes called for.

Ayes—Beach, Chilcott, Fosher, Holly, Noteware, Oakes, Powell and Steele—8.

Noes—Barela, Chaffee, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Martine, Scudder, Slaughter, Stone, Whittemore, Witter and Mr. Speaker—14.

Ayes 8, noes 14.

So the motion to lay on the table was lost.

The question recurring on the original resolution,

Ayes and noes called for.

Ayes—Chaffee, Hanscome, Hayes, Noteware, Scudder, Whittemore, Witter and Mr. Speaker—8.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Oakes, Powell, Slaughter, Steele and Stone—15.

Ayes 8, noes 15.

So the resolution was not adopted.

The Speaker read the following communication:

TREASURER'S DEPARTMENT, COL. TER.,
AUDITOR'S OFFICE, DENVER, July 23d, 1862.

To the Hon., the Speaker of the House of Representatives:

I herewith transmit to you, to be laid before the General Assembly, my report of the doings of this office, from the date of its establishment up to the present time.

I have the honor to be,
Respectfully, your ob't serv't,
M. M. DELANO,
Ter. Auditor.

Mr. Noteware moved that the report be received and printed.

Carried.

Also the following:

TREASURY DEPARTMENT OF COL. TER.,
TREASURER'S OFFICE, DENVER, June 23d, 1862.

To the Hon. Speaker of the House of Representatives:

I herewith transmit to you, to be laid before the Legislative Assembly, my report.

Very respectfully yours,
GEO. T. CLARK,
Treas. Col. Ter.

Mr. Noteware moved that the report be received and ordered printed.

Carried.

Mr. Powell submitted the following report:

MR. SPEAKER:—Your committee to whom was referred H. B. No. 34, for the consolidation of the counties of Costilla and Conejos, have had the same under consideration, and would report the same back and recommend the indefinite postponement of said bill, by agreement of the members in this House from said counties.

D. POWELL, Chairman.

Also, the following:

MR. SPEAKER:—Your committee to whom was referred H. B. No. 46, to change the name of Arapahoe County, have had the same under consideration, and would report the same back, with the additional section and recommendation that the bill do pass as amended:

SEC. 3. This act shall take effect and be in force from and after the first day of January, 1863.

D. POWELL, Chairman.

Mr. Garcia moved that the report of committee on counties and county lines be rejected.

Ayes and noes called for.

Ayes—Chaffee, Chilcott, Gallejos, Garcia, Kenyon, Noteware, Scudder, Slaughter and Witter—9.

Noes—Barela, Beach, Fosher, Hamilton, Hanscome, Hayes, Holly, Martine, Oakes, Powell, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—15.

Ayes 9, noes 15.

So the motion to reject was lost.

Mr. Garcia moved that the House adjourn under resolution.

Ayes and noes called for.

Ayes—Beach, Chaffee, Fosher, Gallejos, Garcia, Hanscome, Hayes, Kenyon, Noteware, Oakes, Scudder, Steele, Stone, Wilhite and Witter—15.

Noes—Barela, Chilcott, Hamilton, Holly, Martine, Powell, Slaughter, Whittemore and Mr. Speaker—9.

Ayes 15, noes 9.

So the motion prevailed,

And the House adjourned until Monday at 10 o'clock, a. m.

MONDAY, JULY 28th.

House met at 10 o'clock, a. m., pursuant to adjournment.
Speaker in the Chair.
Prayer by the Chaplain.
Roll called.
Absent—Messrs. Hanscome, Harbour, Kenyon and Scudder.
On motion of Mr. Holly,
The reading of the journal was dispensed with.
Mr. Holly, from judiciary committee, reported back the following bills with recommendations as follows:
H. B. No. 51, a bill for an act defining where suit shall be brought before justices of the peace, with recommendation that the bill lay upsn the table.
H. B. No. 44, a bill for an act to amend the act concerning arbitrations and awards,
With recommendation that the bill pass without amendment.
H. B. No. 59, a bill for an act to legalize the assessment of Summit county,
With recommendation that the bill pass withouh amendment.
Mr. Oakes, from committee on agriculture, submitted the following report:

MR. SPEAKER:—Your committee on agriculture have had H. B. No. 61, under consideration, and beg leave to report the same back with the following amendments:
Amend Sec. 2, by adding, "which description shall be recorded by said recorder in a book kept for that purpose. Said recorder shall be entitled to fifty cents for each such record, and shall at the time of filing said work deliver to the party filing the same, a certificate under seal of the filing of said mark or brand.
Also, have had H. B. Nos. 60 and 63 under consideration, and beg leave to report the same back, without amendment, and recommend their passage.

D. C. OAKES, Chairman,
G. M. CHILCOTT.

Mr. Stone, from judiciary committee, submitted the following report:

MR. SPEAKER:—Your committee on judiciary, to whom was re-committed H. B. No. 40, for an act amendatory of "An act providing for contested elections," would report that they

have had the same under consideration, and would recommend that said bill be indefinitely postponed, and that the accompanying bill be passed as a substitute therefor.

Respectfully submitted, CHAS. F. HOLLY,
WILBUR F. STONE,
WM. M. SLAUGHTER,
C. G. HANSCOME,
J. B. CHAFFEE.

Mr. Powell, from committee on counties and county lines, submitted the following report:

MR. SPEAKER:—Your committee to whom was referred H. B. No. 14, relating to counties and county officers, have had the same under consideration, and beg leave to report a substitute and recommend that it do pass.

D. POWELL, Chairman.

Mr. Scudder appeared and took his seat.

Mr. Witter offered the following resolution and moved its adoption:

Resolved, That the judiciary committee be instructed to report at their earliest convenience, a bill for an act fixing the times and places of holding terms of the district court in each county, which shall be as often as once in three months, and attaching a penalty to the judges for a failure to hold such terms, and also repealing the law which allows the judge at his discretion to remove the cases in court in one county to any other.

Ayes and noes called for.

Ayes—Barela, Chilcott, Gallejos, Garcia, Martine, Powell, Scudder, Steele, Whittemore, Witter and Mr. Speaker—11.

Noes—Beach, Chaffee, Fosher, Hamilton, Hayes, Holly, Noteware, Oakes, Slaughter, Stone and Wilhite—11.

Ayes 11, noes 11.

So the motion was not adopted.

Mr. Holly gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to dissolve the bonds of matrimony between Mary Heald and John Heald.

Mr. Hamilton gave notice that he would, on to-morrow or some subsequent day, introduce

A bill to incorporate the Clear Creek Wagon Road Co.

Mr. Witter gave notice that he would on to-morrow, introduce the following bills:

A bill for an act to regulate and establish the rates of charges for the publication of legal documents.

A bill for an act amendatory of an act entitled "An act to create a lien in favor of ranchmen and others.

A bill amendatory of an act entitled "An act regulating elections."

Mr. Chilcott moved that the report of the committee of agriculture be adopted.

Carried.

Mr. Witter introduced

Joint Memorial to P. M. General of U. S. to increase mail facilities to the mines in the vicinity of the South Park.

Mr. Holly moved the rules be suspended and the memorial be read first, second and third time.

Carried.

Introduction and first reading of bills:

Pursuant to previous notice, Mr. Holly introduced

H. B. No. 65, a bill for an act to amend an act entitled "An act to provide for the collection of the revenue," approved Nov. 7, 1861.

Pursuant to previous notice, Mr. Holly introduced

H. B. No. 66, a bill for a general incorporation law.

Pursuant to previous notice, Mr. Barela introduced

H. B. No. 67, a bill for an act to prevent the carrying of concealed deadly weapons in the cities and towns of this Territory.

Pursuant to previous notice, Mr. Witter introduced

H. B. No. 68, a bill for an act to incorporate the Hamilton Flume and Tunnel Company.

Pursuant to previous notice, Mr. Beach introduced

H. B. No. 69, a bill for an act to incorporate the Colorado Town Company.

Pursuant to previous notice, Mr. Fosher introduced

H. B. No. 70, a bill for an act relating to the killing of game in certain seasons, in Colorado Territory.

Pursuant to previous notice, Mr. Oakes introduced

H. B. No. 71, a bill for an act to establish a Territorial road from Denver City to Pueblo.

Mr. Steele being called to the Chair,

Pursuant to previous notice, Mr. Crocker introduced

H. B. No. 72, a bill for an act authorizing the dismissal of causes in vacation.

All of which were read a first time by title.

The Speaker resumed the Chair.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,
DENVER, July 26, 1862.

To the Hon. the Speaker of the House of Representatives:

SIR—I have approved and signed acts entitled:

"An act to provide for the election of a Delegate to Congress, and members of the House of Representatives of Colorado Territory."

"An act authorizing county clerks to take acknowledgments of deeds."

Respectfully,
JOHN EVANS,
Governor of Colorado Territory.

Second reading and reference of bills:

C. B. No. 11, a bill for an act to change the name of Lazarus B. McLain.

And,

C. B. No. 13, a bill for an act to authorize the appointment of county commissioners in special cases,

Were read a first and second time by title,

And referred to committee of the whole.

H. B. No. 65, a bill for an act to amend an act entitled "An act providing for the collection of the revenue,"

Referred to committee of the whole.

H. B. No. 66, a bill for a general incorporation law,

Referred to committee of the whole.

H. B. No. 67, a bill for an act to prevent the carrying of concealed deadly weapons in the cities and towns of this Territory,

Referred to committee of the whole.

H. B. No. 68, a bill for an act to incorporate the Hamilton Flume and Tunnel Company,

Referred to committee of incorporations.

H. B. No. 69, a bill for an act to incorporate the Colorado Town Company,

Referred to committee of incorporations.

H. B. No. 70, a bill for an act relating to the killing of game in certain seasons of the year,

Referred to committee of the whole.

H. B. No. 71, a bill for an act to establish a Territorial road from Denver City to Pueblo,

Referred to committee on roads and bridges.

H. B. No. 72, a bill for an act authorizing the dismissal of causes in vacation,

Referred to committee of the whole.

Third reading and passage of bills:

C. B. No. 5, a bill for an act concerning bonds of masters and receivers in chancery,

Was read a third time.

Vote on final passage:

Ayes—Messrs. Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Martine, Oakes, Powell, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter, and Mr. Speaker—18.

Noes—Messrs. Chaffee, Hayes, Noteware, Scudder—4.

Ayes 18, noes 4.

So the bill passed and title agreed to.

Consideration of bills referred back by committees.

H. B. No. 53, a bill for an act repealing an act entitled "An act to prevent the importation of stock into the Territory of Colorado for the purpose of grazing,"

Was read,

And on motion ordered to be engrossed for a third reading.

H. B. No. 56, a bill for an act to change the name of Arapahoe county,

Was read.

Mr. Scudder moved that the bill be laid upon the table.

Ayes and noes called for.

Ayes—Messrs. Barela, Beach, Chaffee, Fosher, Hamilton, Noteware, Scudder, Steele, Whittemore, Witter, and Mr. Speaker—11.

Noes—Messrs. Chilcott, Gallejos, Garcia, Holly, Martine, Oakes, Powell, Slaughter, Stone and Wilhite—10.

Ayes 11, noes 10.

So the bill lays upon the table.

H. B. No. 34, a bill for an act to consolidate the counties of Costilla and Conejos,

Was read.

Mr. Barela moved that the bill be indefinitely postponed.

Ayes and noes called for.

Ayes—Messrs. Barela, Beach, Chilcott, Fosher, Hamilton, Holly, Martine, Oakes, Powell, Steele, Stone, and Whittemore—13.

Noes.—Messrs. Chaffee, Gallejos, Garcia, Noteware, Scudder, Slaughter, Wilhite, Witter, and Mr. Speaker—9.

Ayes 13, noes 9.

So the motion was lost.

Mr. Stone moved that the House take a recess of fifteen minutes.

Carried.

And the House took a recess.

After recess, House called to order by the Speaker.

H. B. No. 9, a bill for an act to dissolve the bonds of mat-

rimony between Andrew J. Coykendall and Catharine Coykendall.

Was read.

Mr. Holly moved that the bill be ordered engrossed for third reading. Carried.

H. B. No. 11, a bill for an act to dissolve the bonds of matrimony between Geo. W. Hightower and Louisa Hightower.

Read.

And, on motion of Mr. Holly, orderred engrossed for a third reading.

H. B. No. 51, a bill for an act defining where suit shall be brought before Justices of the Peace.

Was read.

Mr. Witter moved that the bill be referred to a special committee, with instructions to report a bill giving either party to a suit the benefit of a change of venue.

Mr. Noteware moved to lay the bill upon the table.

Ayes and noes called for.

Ayes—Messrs. Holly, Noteware, Oakes, Scudder, Steele, and Wilhite—6.

Noes—Messrs. Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Martine, Powell, Slaughter, Stone, Whittemore, Witter, and Mr. Speaker—16.

Ayes 6, noes 16.

So the motion was lost.

Question recurring upon the original motion to re-commit to a special committee.

It was carried, and

Mr. Speaker appointed as such committee,

Messrs. Witter, Hayes and Hamilton.

H. B. No. 59, a bill for an act to legalize the assessment of Summit county,

Was read.

Mr. Holly moved that the bill be ordered engrossed for a third reading.

Carried.

H. B. No. 44, a bill for an act to amend the act concerning arbitrations and awards,

Was read.

And on motion the bill was ordered to be engrossed for a third reading.

H. B. No. 60, a bill for an act to prevent the introduction of stock belonging to non-residents into Boulder county for grazing and for other purposes,

Was read.

Mr. Holly moved that the bill be ordered engrossed for a third reading. Carried.

H. B. No. 61, a bill for an act in relation to horses, mules and cattle,

Was read.

Mr. Witter moved that the words "horses, mules," in section 1, be stricken out.

Carried.

Mr. Wilhite moved that the House adjourn until 2 o'clock this afternoon.

Carried.

AFTERNOON SESSION.

House met at 2 o'clock, pursuant to adjournment.

Speaker in the chair.

Quorum present.

Consideration of H. B. No. 61, resumed.

Mr. Fosher moved that the bill be re-committed.

Carried.

H. B. No. 63, a bill for an act relating to fencing,

Was read.

Mr. Holly moved to amend section 3, by striking out "any damage," and inserting "treble damages."

Carried.

Mr. Witter moved to amend section 4, by striking out all after the words "against fence law."

Carried.

On motion H. B. No. 63 was ordered engrossed for a third reading.

H. B. No. 14, a bill for an act relating to counties and county officers, having failed to organize,

Was read.

Mr. Fosher moved that the bill be ordered engrossed for a third reading.

Carried.

Mr. Witter moved that H. B. No. 63, a bill for an act relating to fencing, be ordered printed.

Carried.

Mr. Fosher moved that H. B. No. 14, relating to counties and county officers, failing to organize, be ordered printed.

Carried.

H. B. No. 40, a bill for an act amendatory to an act entitled "An act to provide for contested elections,"

Was read.

Mr. Holly moved that the bill be ordered engrossed for a third reading.

Carried.

Committee of engrossment submitted the following report:

Mr. Speaker:—Your committee on engrossing beg leave to report House Bills Nos. 5, 21, 41 and 37, as correctly engrossed,

O. A. WHITTEMORE, Ch'n.

Report received.

Third reading of House Bills and resolutions.

J. M. No. 2, to the Postmaster General of the United States, asking for increased mail facilities to the southern mines,

Was read.

Vote on final passage:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Martine, Powell, Slaughter, Stone, Whittemore, Wilhite, Witter and Mr. Speaker.

Ayes, 19, noes, none.

So the joint memorial passed.

H. B. No. 5, an act to incorporate the Tarryall and Arkansas River Wagon Road Company."

Was read.

Vote on the final passage.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Martine, Noteware, Powell, Scudder, Slaughter, Stone, Whittemore, Wilhite, Witter and Mr. Speaker.

Ayes 21, noes none.

So the bill passed and the title was agreed to.

H. B. No. 21, a bill for an act to incorporate the Cañon City bridge company,

Was read.

Vote on final passage:

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Holly, Martine, Noteware, Powell, Scudder, Slaughter, Stone, Whittemore and Wilhite.

Noes—Chaffee, Hayes, Witter and Mr. Speaker.

Ayes 17, noes 4.

So the bill passed and the title was agreed to.

H. B. No. 41, a bill for an act to incorporate the Denver and Julesburg telegraph company.

Was read.

Vote on the final passage:

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Holly, Noteware, Powell, Scudder, Steele and Wilhite.

Noes—Chaffee, Hayes, Martine, Slaughter, Whittemore, Witter and Mr. Speaker.

Ayes 14, noes 7.

So the bill passed and title was agreed to.

H. B. No. 47, a bill for an act to prevent the introduction of stock into the counties of Huerfano, Pueblo and Frémont, for the purpose of grazing,

Was read.

Vote on the final passage:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Hamilton, Holly, Martine, Powell, Slaughter, Steele and Stone.

Noes—Gallejos, Garcia, Hanscome, Hayes, Noteware, Scudder, Whittemore, Wilhite and Mr. Speaker.

Ayes 12, noes 9.

So the bill passed and title was agreed to.

Committee of engrossment submitted the following report:

Mr. Speaker:—Your committee on engrossing beg leave to report House Bills Nos. 9, 11 and 53, as correctly engrossed.

O. A. WHITTEMORE, Ch'n.

Report received.

Mr. Holly offered the following preamble and resolution, and moved its adoption:

WHEREAS, It is understood that the Hon. H. P. Bennet, our delegate in the Congress of the United States, has just returned from the Federal Capitol, and it is desirable to learn, in as authentic a manner, and as soon as possible, during our present session, what action has been had by Congress, or the government, affecting this Territory, or its interests; therefore,

Resolved, That the Hon. H. P. Bennet be respectfully requested to address the members of the Legislative Assembly and the people generally, at as early a day as may suit his convenience.

Resolution adopted.

Mr. Chilcott, from committee on incorporations, submitted the following report:

MR. SPEAKER: Your committee on incorporations have had House Bill No. 62 under consideration, and beg leave to report the same back with the following amendments, and recommend its passage:

Amend by adding an additional section, as follows, to-wit:

"The said company shall commence the construction of said road within eight months, and complete the same within eighteen months, from the passage of this act, and shall keep the same in good repair during said term of years, and the company shall be liable for damages caused by the bad condition of said road. Said road shall be accurately measured, and mile posts erected with suitable inscriptions thereon."

Also, have had House Bill No. 56 under consideration, and recommend the following amendments:

In Sec. 2, second line, strike out "twenty," and insert "ten;" also, add to Sec. 4, "not to exceed the sum of three dollars per acre."

Also, recommend the following amendments to House Bill No. 42:

In Sec. 5, third line, strike out "twenty," and insert "ten;" also, add an additional section, as follows:

"That said road shall be commenced within one year and finished within three years from the passage of this act."

Also, have had House Bills Nos. 54, 49, 55 and 64, under consideration, and report the same without amendment, and recommend their passage.

G. M. CHILCOTT, Ch'n.
JOHN FOSHER.

Mr. Hanscome gave notice that he would to-morrow introduce

A bill to prevent the importation of stock into Gilpin county for grazing purposes.

Also,

Bills to incorporate

The Nevada Ditch Company,

The Nevada Quartz Mining Company, and

The Rocky Mountain Railroad Company.

Mr. Hanscome, from the judiciary committee, reported as follows:

MR. SPEAKER: The judiciary committee, to whom was referred House Bill No. 39, beg leave to report the same back with amendment, and recommend its passage.

C. G. HANSCOME, Ch'n.

Mr. Hayes gave notice that on to-morrow or some subsequent day he would introduce

A bill for an an act legalizing the recording of deeds and other instruments of writing heretofore taken by county clerks.

Mr. Hamilton gave notice that he would, on to-morrow or a future day, introduce

A bill for an act enabling the Overland Stage Line to maintain their own bridges and ferries over certain streams.

Also,

A bill for an act entitled "An act for the survey of Clear Creek and Berthoud Pass.

Mr. Garcia gave notice that on to-morrow or some future day he would introduce

A bill to change the county lines of Conejos county.

Mr. Wilhite offered the following resolution and moved its adoption:

Resolved, That the Speaker of this House be authorized to issue certificates of amounts due to the different officers of this House, that are to be paid out of the Territorial funds, from time to time, as any of the officers to which this resolution refers may desire; said amounts to be reckoned at a rate not to exceed three dollars per day for services rendered.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Garcia, Hamilton, Oakes, Powell, Slaughter, Steele, Wilhite, and Witter—11.

Noes—Chaffee, Fosher, Gallejos, Hanscome, Hayes, Holly, Martine, Noteware, Scudder, Whittemore, and Mr. Speaker.

Ayes 11, nays 11.

So the resolution was not adopted.

Mr. Wilhite gave notice that he would, on to-morrow or some subsequent day, introduce

A joint resolution asking Congress to amend the Organic Act so as to extend the jurisdiction of Probate judges and justices of the peace.

Mr. Powell gave notice that on to-morrow or some subsequent day, he would introduce

A bill to amend an act entitled "An act concerning practice in Chancery.

Also,

A bill for a Territorial road from Fort Lyon to Buckskin Joe, *via* Pueblo, Cañon City, Hawkins' Ranch and Fairplay.

Mr. Beach presented a petition from Elizabeth Graves,

Which was read, and

On motion of Mr. Noteware, was referred to committee on divorce.

Mr. Chilcott moved that the committee to whom was referred

C. B. No. 14, a bill for an act to dissolve the bonds of matrimony between Elizabeth Graves and John J. Graves, Jr.,

Be required to report to-morrow.

Carried.

Mr. Scudder gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for an appropriation to pay the expenses of the Legislature.

Mr. Noteware moved that

H. B. No. 38, a bill for an act to amend an act entitled "An act to incorporate the Enterprise Wagon Road Company,

Be taken from the table and be re-committed.

Carried.

Mr. Chaffee moved that the House go into committee of the whole.

Carried.

The House then resolved itself into committee of the whole on the general file,

Mr. Chilcott in the Chair.

Committee rose and the House was called to order,

The Speaker in the Chair.

Mr. Chilcott, from committee of the whole, submitted the following report:

MR. SPEAKER: The committee of the whole have had C. B. No. 14 under consideration, and report the same back with the recommendation that it do pass.

Also, C. B. No. 13, and report the same back with the recommendation that it be laid on the table and printed.

Also, H. B. No. 45, reported back with the recommendation that it be referred to J. B. Chaffee, as a select committee of one.

Also, H. B. No. 47, amended by adding to Sec. 3, "an amount not to exceed ten thousand dollars," referred back with the recommendation that it pass.

Also, H. B. No. 57, with certain amendments marked thereon, with the recommendation that it do pass.

J. M. No. 1, reported back with the recommendation that it be laid on the table for three days.

H. B. No. 65, reported back with the recommendation that it be laid on the table and ordered printed.

Also, H. B. No. 66, with recommendation that it be laid on the table and ordered printed.

Also, H. B. No. 67, with amendments as follows: by inserting "bowie" before "knives," in Sec. 1, and "required" in place of "requested," in Sec. 4.

All of which is respectfully submitted.

G. M. CHILCOTT, Ch'n.

Mr. Witter moved that the House adjourn.

Ayes and noes called for.

Ayes—Barela, Chilcott, Gallejos, Hanscome, Holly, Martine, Noteware, Oakes, Powell, Scudder, Steele, Wilhite, and Mr. Speaker—13.

Noes—Beach, Chaffee, Fosher, Garcia, Hamilton, Hayes, Slaughter, Whittemore, and Witter—9.

Ayes 13, noes 9.

So the motion prevailed, and the House adjourned.

TUESDAY, JULY 29th.

House met at 9 o'clock, a. m., pursuant to adjournment.
Speaker in the Chair.
Prayer by the Chaplain.
Roll called.
Absent—Messrs. Chaffee, Harbour, Holly and Slaughter.
On motion of Mr. Noteware,
The journal was referred to committee on printing.
Pursuant to previous notice, Mr. Witter introduced
H. B. No. 74, a bill for an act amendatory of an act entitled "An act to create a lien in favor of ranchmen and others," approved Nov. 6, 1861.
Pursuant to previous notice, Mr. Hayes introduced
H. B. No. 75, a bill for an act to legalize the recording of deeds and other instruments heretofore taken.
Pursuant to previous notice, Mr. Hamilton introduced
H. B. No. 76, a bill for an act entitled an act for the survey of Clear Creek and Berthoud Pass.
Also,
H. B. No. 77, a bill for an act to incorporate the Clear Creek Wagon Road Company.
Pursuant to previous notice, Mr. Whittemore introduced
H. B. No. 78, a bill for an act to enable road, ditch, manufauturing and other companies to become bodies corporate.
Pursuant to previous notice, Mr. Witter introduced
H. B. No. 79, a bill for an act amendatory of an act entitled "An act regulating elections."
Also,
J. M. No. 3, asking Congress to amend the Organic Act, so as to extend the jurisdiction of probate and justices' courts.
All of which were read a first time by their respective titles.
Messrs. Slaughter and Holly appeared and took their seats.
Second reading and reference of bills:
H. B. No. 74, a bill for an act amendatory of an act entitled "An act to create a lien in favor of ranchmen and others,"
Referred to committee of the whole.
H. B. No. 79, a bill for an act to legalize the recording of deeds and other instruments heretofore taken,
Referred to committee of the whole.
H. B. No. 76, a bill for an act entitled an act for the survey of Clear Creek and Berthoud Pass,
Referred to committee of the whole.
H. B. No. 77, a bill for an act to incorporate the Clear Creek Wagon Road Company,

Referred to committee of the whole.

H. B. No. 78, a bill for an act to enable, road, ditch, manufacturing and other companies to become bodies corporate,

Was read.

Mr. Whittemore moved to refer the bill to a special committee.

Carried.

The Speaker appointed Messrs. Whittemore, Fosher and Hanscome, such committee.

H. B. No. 79, a bill for an act amendatory of an act entitled an act regulating elections,

Referred to committee of the whole.

J. M. No. 3, memorializing Congress to amend the Organic Act, so as to extend the jurisdiction of probate and justices' courts,

Referred to committee on judiciary.

Consideration of bills reported back by committees:

C. B. No. 13, a bill for an act to authorize the appointment of county commissioners in special cases,

Was read,

And on motion,

The bill was laid upon the table, and ordered printed.

H. B. No. 39, a bill for an act amendatory of an act entitled "An act regulating elections,"

Was read.

Mr. Hanscome moved that the report of committee be adopted.

Carried.

Mr. Hamilton moved that

H. B. No. 39, be ordered engrossed for a third reading.

Carried.

H. B. No. 66, a bill for an act for a general incorporation law,

Was read.

Mr. Scudder moved

H. B. No. 66, a bill for an act for a general incorporation law,

Be ordered printed.

Mr. Hanscome moved that the bill be referred to a special committee, to whom was referred H. B. No. 78.

Carried.

Messrs. Whittemore, Fosher and Hanscome, were such committee.

H. B. No. 67, a bill for an act to prevent the carrying of concealed deadly weapons in the cities and towns,

Was read,

And on motion, was ordered engrossed for a third reading.

H. B. No. 47, a bill for an act to invest religious societies with certain powers of bodies corporate.

Mr. Nanscome moved to adopt amendments recommended by the committee of the whole.

Carried.

Mr. Scudder moved that

H. B. No. 47,

Be ordered engrossed for a third reading.

Carried.

H. B. No. 57, a bill for an act to incorporate a free cemetery.

Mr. Fosher moved that the amendments recommended by committee be adopted.

Carried.

Mr. Scudder moved that

H. B. No. 57,

Be ordered engrossed for a third reading.

Carried.

H. B. No. 65, a bill for an act to amend an act entitled "An act providing for the collection of the revenue."

Mr. Holly moved that the report of the committee of the whole be adopted.

Carried.

So the report was adopted,

And the bill ordered to be laid upon the table and printed.

J. M. No 1, to have the laws of the Territory printed in the Spanish language.

Mr. Whittemore moved the adoption of the committee of the whole to have the bill postponed three days.

Carried.

H. B. No. 49, a bill for an act to incorporate the Ute Pass Wagon Road Company,

Was read.

Mr. Noteware moved that the bill be ordered engrossed for a third reading.

Carried.

H. B. No. 54, a bill for an act to incorporate the Cache-la-Poudre and Platte River Bridge Company,

Was read.

Mr. Noteware moved that the bill be ordered engrossed for a third reading.

Carried.

H. B. No. 55, a bill for an act to incorporate the Fairplay Ditch Company,

Was read, and on motion, was ordered engrossed.

H. B. No. 56, a bill for an act to incorporate the Platte Cañon and Deer Creek Water, Ditch and Milling Company,

Was read.

Mr. Noteware moved that the amendments and recommendations of committee be adopted.

Carried.

Mr. Hanscome moved to add to Sec. 4 the words "per year."

Carried.

Mr. Noteware moved that the bill be ordered engrossed.

Carried.

H. B. No. 62, a bill for an act to incorporate the Frémont Orchard Plank Road and Turnpike Company,

Was read.

Mr. Wilhite moved to amend by striking out "five" and inserting "one," in Sec. 4.

Lost.

Mr. Hanscome moved to amend Sec. 4 by striking out "toll gates and toll houses," and insert instead thereof, "a toll gate and toll house."

Mr. Chaffee appeared and took his seat.

Mr. Kenyon moved to amend the amendment by adding the following words:

"The company shall collect the following rates of toll, and no more, for the route mentioned in this charter."

Carried.

Question recurring upon the amendment as amended, it was lost.

Mr. Kenyon moved that the bill be referred to a select committee, consisting of Messrs. Hanscome and Hayes.

Carried.

H. B. No. 64, a bill for an act to incorporate the Eldorado Ditch Company,

Was read.

Mr. Chaffee moven to strike out "ten rods," and insert "fifty feet," in Sec. 1.

Carried.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, COL. TER.,
Denver, July 26th, 1862.

To the Hon. House of Representatives of the Legislative Assembly of Colorado Territory.

GENTLEMEN: I herewith return to you a "Joint Resolution for districting the Territory into judicial districts, assigning the judges thereof, and fixing the time of holding the courts," with the following objections to its becoming a law:

While the want of judicial service in some parts of the Territory is a source of complaint, this bill gives only two counties, and those by no means the most populous, to one of the judges, thereby throwing nearly all the labor of holding courts in the Territory upon his colleagues.

The propriety of equalizing the judicial labor of the members of the supreme court will be manifest when it is remembered that a large part of the Territory justly complains on account of the unfrequency of the sessions of their courts. And in many counties in the Territory, although the government has been organized for nearly eighteen months, as yet no courts at all have been held. Instead of a districting which shall work still further privation to the people, I earnestly recommend the modification of the bill, if practicable, so as to secure to them the service to which they are undoubtedly entitled.

I observe, too, that by this bill the two most populous counties in the Territiory are placed in the same district, imposing nearly all the judicial labor of the Territory upon the chief justice himself, which a more convenient and equitable arrangement of the districts might avoid.

The last clause of the fifth section says: "The remaining terms of court shall be held at such time and place as shall be designated and appointed by the several judges in their respective districts."

Agreeably to my understanding of the Organic Act, this contravenes that provision which says "The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts, by one of the justices of the supreme court, *at such time and place as may be prescribed by law.*" The object of this provision of the Organic Act evidently is to secure regularity in the proceedings of the court, and that the public shall have standing notice, not to be varied by any contingencies of the time and the place of holding courts. The time and the place of holding the district courts being required to be fixed by law, I judge a power of the kind given the judges in this section both inexpedient and in violation of the letter and spirit of the Organic Act.

I would recommend, therefore, that the times and places of holding the courts be definitely fixed by law.

JOHN EVANS.

Mr. Chaffee moved that the bill returned and message be referred to Judiciary committee.

Carried.

Consideration of H. B. No. 64, resumed.

Mr. Chaffee moved to strike out the words "the line of" in section 10.

Carried.

Mr. Chaffee then moved that H. B. No 64 be ordered engrossed.

Carried.

C. B. No. 11, a bill for an act to change the name of Lazarus B. McLain,

Was read.

Mr. Witter moved that the bill be ordered to a third reading.

Mr. Holly moved that the bill be indefinitely postponed.

Ayes and noes called for.

Ayes—Barela, Holly, Martine, Scudder, Slaughter, Steele and Mr. Speaker—7.

Noes—Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Kenyon, Noteware, Oakes, Powell, Stone, Whittemore, Wilhite and Witter—17.

Ayes 7, noes 17.

So the motion was lost.

Mr. Kenyon asked to be excused during the vote just recorded.

The ayes and noes were called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Holly, Oakes, Powell, Slaughter and Steele—10.

Noes—Chaffee, Garcia, Hamilton, Hanscome, Hayes, Martine, Noteware, Scudder, Stone, Whittemore, Wilhite, Witter, and Mr. Speaker—13.

Ayes 10, noes 13.

So Mr. Kenyon was not excused, and his vote is recorded in previous vote by ayes and noes.

Question recurring on ordering C. B. No. 11 to third reading,

It was carried.

H. B. No. 42, a bill for an act to incorporate the Empire City, New Pass, Breckinridge and Montgomery City Road Company,

Was read.

Mr. Witter moved to amend Section 10, by striking out "one year," and inserting "six months."

Mr. Holly moved to amend by inserting "three months," in place of six months.

Amendment accepted.

Amendment carried.

Mr. Whittemore offered the following as an additional section:

"That nothing in this act shall give the said company any

right or privilege, on any part of said road, that may pass over any other road incorporated by this Legislature, without permission of such other company."

Lost.

Mr. Fosher offered the following as an additional section:

"That said company shall cause the said road to be accurately measured, and mile posts be erected with suitable inscriptions thereon."

Adopted.

Mr. Chaffee moved to strike out all after the words "or said gate keeper" in Section 9.

Carried.

Mr. Holly moved that the recommendations of committee as amended be adopted.

Carried.

Mr. Holly moved that the bill be ordered engrossed.

Carried.

Mr. Holly moved that H. B. No. 18, a bill for an act to confirm and legalize certain acts of the people prior to the organization of Colorado Territory, be taken up.

Carried.

Mr. Wilhite was excused for absence.

H. B. No. 18, was read.

Mr. Fosher moved to strike out the words "so called" in Sec. 1.

Lost.

Mr. Chaffee moved to strike out "agreeable," and insert "according."

Carried.

Mr. Stone moved to insert, "or people's courts," in second line of the first Sec.

Carried.

Mr. Witter moved to amend by inserting in third line, after the word "regulations," the word "fairly;" and in same line, after the word "by," insert the words "a majority of."

Mr. Noteware moved that the House adjourn till two o'clock.

Carried.

AFTERNOON SESSION.

House met at 2 o'clock pursuant to adjournment.

Speaker in the chair.

Quorum present.

Mr. Beach moved a call of the House.

Carried.

Roll called.

Absent—Holly, Noteware, Stone, Slaughter, Steele and Witter.

The Serg't-at-Arms was dispatched for the absentees.

The Serg't-at-Arms reported all present but Mr. Slaughter.

Mr. Chaffee moved that further proceedings under the call be dispensed with.

Carried.

Consideration of H. B. No. 18, resumed.

Mr. Chaffee moved to amend Mr. Witter's amendment by striking out "fairly" and adding before the amendment "acquiesced in by a majority of."

Ayes and noes called for.

Ayes—Barela, Chaffee, Garcia, Hamilton, Hanscome, Hayes, Noteware, Whittemore, and Witter—9.

Noes—Beach, Chilcott, Fosher, Gallejos, Holly, Kenyon, Martine, Oakes, Powell, Scudder, Stone, Wilhite, and Mr. Speaker—13.

Ayes 9, noes 13.

So the amendment was lost.

The question being on Mr. Witter's amendment,

Ayes and noes were called for.

Ayes—Barela, Chaffee, Hamilton, Hayes, Whittemore, and Witter—6.

Noes—Beach, Chilcott, Fosher, Gallejos, Garcia, Hanscome, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Stone, Wilhite, and Mr. Speaker—16.

Ayes 6, noes 16.

So Mr. Witter's amendment was lost.

Mr. Chaffee moved the following as an additional section:

Sec. 2. All acts or parts of acts in conflict with this act are hereby repealed.

Carried.

Mr. Hanscome moved to strike out "had notice according to such rules," in line 5 and insert instead thereof "had personal notice to appear before such courts or clubs."

Ayes and noes called for.

Ayes—Chaffee, Hamilton, Hanscome, Hayes, Whittemore, Witter—6.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Stone, Wilhite, Mr. Speaker—15.

Ayes 6, noes 15.

So the amendment was lost.

Mr. Whittemore was called to the chair.

Whereupon Mr. Crocker offered the following amendment:

To strike out all after the word "legalized," in the ninth line of Sec. 1; and moved its adoption.

The Speaker resumed his chair.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Fosher, Garcia, Hamilton, Kenyon, Powell, Scudder, Slaughter, Whittemore, Witter, Mr. Speaker—13.

Noes—Chilcott, Gallejos, Hanscome, Hayes, Holly, Martine, Noteware, Oakes, Stone, Wilhite—10.

Ayes 13, noes 10.

So the amendment was carried.

Mr. Chaffee moved to amend by striking out the words "where both parties made an appearance, or had notice according to such rules."

Ayes and noes called for.

Ayes—Chaffee, Hanscome, Hayes, Slaughter, Whittemore and Witter—6.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Martine, Noteware, Oakes, Powell, Scudder, Stone, Wilhite and Mr. Speaker—16.

Ayes 6, noes 16.

So the amendment was lost.

Mr. Slaughter appeared and took his seat.

Mr. Chaffee offered the following as an additional section:

Sec. 3. This act shall be in force from and after the first day of January, A. D. 1863.

Mr. Slaughter moved to amend the amendment by striking out "1863" and inserting "1864."

Ayes and noes called for.

Ayes—Slaughter—1.

Noes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—22.

Ayes 1, noes 22.

So the amendment to the amendment was lost.

The question recurring on Mr. Chaffee's amendment,

The ayes and noes were called for.

Ayes—Chaffee, Fosher, Hamilton, Hanscome, Whittemore, Wilhite, Witter and Mr. Speaker—8.

Noes—Barela, Beach, Chilcott, Gallejos, Garcia, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter and Stone—15.

Ayes 8, noes 15.

So the amendment was lost.

Mr. Holly moved that the bill be ordered engrossed for a third reading. Carried.

The following communication was received, and read, from Hon. H. P. Bennet:

DENVER, Col. Ter., July 29, 1862.

HON. GEORGE F. CROCKER, *Speaker of the House of Representatives:*

SIR:—I have to acknowledge the receipt of your note of yesterday, with an enclosed resolution of the House of Representatives, requesting me to address the Legislative Assembly and the people generally, as to what action has been had by Congress or the government affecting this Territory. In reply, I would say that it will be very agreeable to impart such information to the Legislative Assembly and the people on to-morrow evening at 7 o'clock.

Very respectfully,

H. P. BENNET.

On motion of Mr. Holly, communication was received.

Third reading of House Bills:

H. B. No. 9, a bill for an act to dissolve the bonds of matrimony between Andrew J. Coykendall and Catharine Coykendall,

Was read.

Vote on final passage of the bill:

Ayes—Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Oakes, Powell, Stone, Witter and Mr. Speaker—13.

Noes—Barela, Chaffee, Hanscome, Hayes, Martine, Noteware, Scudder, Whittemore, Wilhite—9.

Ayes 13, noes 9.

So the bill passed and title agreed to.

H. B. No. 11, a bill for an act to desolve the bonds of matrimony between George W. Hightower and Louisa Hightower,

Was read.

Mr. Holly moved to strike out Sec. 2.

Ayes and noes called for.

Ayes—Barela, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Oakes, Powell, Stone and Mr. Speaker—12.

Noes—Beach, Chaffee, Chilcott, Hanscome, Hayes, Noteware, Scudder, Whittemore, Wilhite and Witter—10.

Ayes 12, noes 10.

So the motion prevailed and Sec. 2 was stricken out.

Vote on final passage of the bill:

Ayes—Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Stone and Witter—14.

Noes—Barela, Chaffee, Hanscome, Hayes, Scudder, Whittemore, Wilhite and Mr. Speaker—8.

Ayes 14, noes 8.

So the bill passed and title was agreed to.

Mr. Barela moved that the House adjourn.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Kenyon, Martine, Oakes, Scudder, Wilhite and Mr. Speaker—12.

Noes—Chaffee, Hamilton, Hanscome, Hayes, Holly, Noteware, Powell, Stone, Whittemore and Witter—10.

Ayes 12, noes 10.

So the House adjourned.

WEDNESDAY, JULY 30th.

House met at 9 o'clock, a. m., pursuant to adjournment.

Speaker in the Chair.

Prayer by the Chaplain.

Roll called.

Absent—Messrs. Harbour, Kenyon, Slaughter, Steele and Wilhite.

The reading of the journal was dispensed with and referred to the committee on printing.

Mr. Kenyon appeared and took his seat.

Mr. Scudder presented a petition from citizens of Arapahoe county, remonstrating against changing the name of the county, as follows:

To the Hon. the Council and House of Representatives of the Territory of Colorado, in general assembly convened:

WHEREAS, We, the subscribers, citizens of the county of Arapahoe, and Territory of Colorado, have, with regret, heard it seriously intimated that there will be an effort made to change the name of Arapahoe county to that of "Platte," and believing, as we do, that there could be no possible good arising from such change, but that much evil and confusion would inevitably result therefrom, in the necessary change of all the seals, blanks, forms, etc.,

Therefore, We would, most respectfully but earnestly, remonstrate against any change in the name of said county.

F. B. Crocker,	H. Scudder,
H. H. Hewitt,	A. J. Snider,
J. B. Cass,	F. H. Page,
J. Macdonald,	L. B. France,
H. M. Foster,	Wm. Graham,
O. O. Kent,	P. P. Wilcox,

C. G. Chever,	H. J. Rogers,
C. H. Blake,	E. W. Cobb,
F. J. Marshall,	R. T. Kamm,
S. R. Brown,	L. Barney,
B. A. Barney,	E. Cody,
A. W. Bailey,	J. Lloyd Smith,
H. S. Rountree,	S. Cohen,
R. J. Bard,	A. E. Pickard,
John Snell,	G. Wakely,
R. W. Roath,	M. Saville.

Mr. Whittemore, from committee on engrossing, submitted the following report:

MR. SPEAKER: Your committee on engrossing beg leave to report House Bills Nos. 39, 40, 44, 59, 60, 63 and 18, as correctly engrossed. O. A. WHITTEMORE, Ch'n.

Report received.

Mr. Chaffee, from committee of judiciary, submitted the following report:

MR. SPEAKER: The undersigned, a minority of the judiciary committee, to whom was referred the duty of reporting a code of laws for this Territory, would very respectfully represent that the laws enacted at the last session of the Legislature have been but very recently printed, and are not yet fairly known to the people of the Territory, but as far as known seem to give general satisfaction, as to system, and to meet the wants of the people, with perhaps some modifications; that to adopt an entirely new system at this session would tend to create confusion in the minds of the people as to what really is the law; that if the code system is adopted this session, the time is so short that it will be entirely impossible to properly collate or consider the same; that the many omissions which would necessarily happen could not be remedied until another session, which must be over one year hence; that our general laws are so interwoven with the practice act that a general revision would be necessary, which of itself would require weeks of hard labor; that the code proposed is copied from the Nebraska code, which certainly cannot be adapted to the wants of this, a mining people, and therefore would not meet the necessities of this Territory.

In view of these facts, and many others which must be obvious to this Assembly, and in view of the fact that the time of this session is now limited to less than three weeks, which is far too short a time for so great a work, but may be sufficient

to properly amend or add to the laws already adopted, which seems to the undersigned to be the proper and legitimate business of this session, the undersigned would very respectfully recommend that the code reported by the majority committee be rejected, and the following Joint Resolution adopted:

Resolved, by the Council and House of Representatives of Colorado Territory, That the Governor be and he is hereby authorized to appoint a "Code Commission," to consist of not more than three persons, whose duty shall be to collate and report a code of laws for this Territory, to the next session of the Legislative Assembly. J. B. CHAFFEE.

Report received.

Mr. Noteware, from committee on military affairs, submitted the following report:

To the Hon. Speaker of the House of Representatives:

The undersigned, the military committee, to whom was referred House Bill No. 27, beg leave to report the same back, with the following amendments, to-wit:

Amend Sec. 2 by striking out all after the word "enrollment," and adding "the executive and judicial officers of this Territory, quakers, clergymen, lunatics, idiots, sheriffs, constables, clerks of courts, justices of the peace, and all United States officers."

Amend Sec. 4 by striking out all after the word "division" in last line, and insert "to be appointed as the Major Generals."

Amend Sec. 7 so as to add after the word "war," in third line, and before the word "in," same line, the words "or Indian depredations."

Amend Sec. 8 by striking out in the third and fifth lines the word "forty," and inserting in lieu thereof the word "thirty."

Amend Sec. 16 by adding, after the word "horses," and before the word "shall," in the second line, the words "belonging to any volunteers;" also, add the word "to" in last line, between the words "apply" and "them."

Amend Sec. 20 by striking out the words preceding the word "if," in the second line, and insert in lieu thereof, "In case of riots, unlawful assemblies, insurrections, Indian depredations, or popular outbreaks of an unlawful character, the sheriff of a county, or mayor of a city, or the United States Marshal of the Territory, shall have authority, for the time being, to order out any volunteer company, squadron, battalion or regiment, to act until orders can be received from the commander-in-chief, and in all such cases."

Amend Sec. 27 by adding, between the words "insurrection" and "riot," in the second line, the words "Indian depredations."

Also to amend section 31 by adding between the words "that" and "charge" in 7th line, the word "no" and add at the end of ninth line the words "by law."

To insert the following as a new section:

"The Adjutant General shall be entitled to receive as compensation for his services the sum of two hundred dollars, to be paid out of the Territorial Treasury, but no charge shall be made, or pay received, for any commissions issued under the provisions of this act. J. H. NOTEWARE, Ch'n.

Mr. Wilhite appeared and took his seat.

Mr. Holly moved that the amendments proposed by military committee be adopted.

Carried.

Mr. Hayes from special committee on H. B. No. 52, submitted the following report:

MR. SPEAKER:

Your committee to whom was referred H. B. No. 52, a bill for an act to dissolve the bonds of matrimony between James Wright and Marcella Wright, beg leave to report,

That according to the testimony taken by us, the said James Wright, is an habitual drunkard, and according to his own statements has repeatedly committed adultery. He is abusive to his family, has never provided for their wants, and has now left them and this Territory, with the avowed intention of never returning.

Your committee are clearly of the opinion that this is a meritorious case, and that if divorce cases are to be considered at all by the Legislature, that this is one that should be granted.

H. B. HAYES, Ch'n.
J. B. CHAFFEE,
G. M. CHILCOTT,
C. G. HANSCOME,
DANIEL WITTER.

Mr. Holly moved that the report be adopted.

Carried.

Mr. Hanscome from special committee reported as follows:

MR. SPEAKER:—The select committee to whom was referred house bill No. 62, to incorporate "the Fremont Orchard and Plank Road Company," have had the same under consideration, and beg leave to report and recommend as follows:

That in Sec. 3, the word "two" be stricken out and "one" inserted in lieu thereof, so as to read "the exclusive right of way for one hundred feet on each side," etc.

That Sec. 4, be amended so as to read "said company are authorized to erect toll houses and toll gates, and employ toll gatherers who shall demand and collect toll at the following rates and no more.

For the entire distance of said road, for each wagon, or vehicle drawn by one span of horses, oxen, or mules, the sum of fifty cents; for each additional span of horses, oxen, or mules, the sum of ten cents; for each horseman the sum of ten cents; for loose stock three cents."

All of which is respectfully submitted.

C. G. HANSCOME,
H. B. HAYES.

Mr. Hanscome from special committee to whom was referred house bill No. 43, a bill for an act fixing the fees of officers, witnesses and jurors, submitted the following report:

MR. SPEAKER:—The special committee to whom house bill No. 43 was referred, have had the same under consideration and beg leave to report the same back with a few additional sections and recommend the passage of the same.

All of which, etc.

C. G. HANSCOME,
O. A. WHITTEMORE,
DANIEL WITTER.

Mr. Chaffee from committee of incorporation reported a substitute bill for house bill No. 38, a bill for an act amendatory to an act entitled "An act to incorporate the Enterprise Wagon-road Company," and recommended its passage.

Mr. Noteware moved that the report be received, and substitute adopted.

Carried.

Mr. Witter from special committee, to whom was referred house bill No. 51, a bill for an act defining where suits shall be brought before Justices of the Peace, reported back the bill amended as per instructions.

Report received.

Mr. Chaffee moved the adoption of the following resolutions:

Resolved, That all bills of general character be, and are hereby, ordered printed before being engrossed for final passage, and that the Chief Clerk be instructed to have the same printed as soon as reported upon favorably by committee.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Noteware, Oakes, Stone, Whittemore, Witter and Mr. Speaker—16.

Noes—Holly, Kenyon, Martine, Powell, Scudder, Slaughter and Wilhite—7.

Ayes 16, noes 7.

So the resolution was adopted.

Mr. Whittemore offerred the following resolution:

Resolved, That all bills ordered printed by the house be printed on bill or cap paper, and that the public printer be so instructed.

Adopted.

Mr. Holly gave notice that he would on to-morrow or some subsequent day introduce a bill for a memorial for a tri-weekly mail from Denver to Boulder City.

Mr. Whittemore gave notice that he would on to-morrow or some subsequent day introduce a bill entitled "An act amendatory of an act relating to Notaries Public."

Also a bill for the protection of claims out of mining seasons.

Mr. Oakes gave notice that he would on to-morrow or some future day, introduce a bill for an act to incorporate the Rocky Mountain Exchange and Insurance Co.

Mr Fosher gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for an act to establish Territorial roads.

Mr. Beach gave notice that he would, on to-morrow or some subsequent day, introduce

A bill for an act concerning improvements and occupancy of farming claims.

Also a bill for an act requiring the fencing of crops in El Paso County.

Messrs. Slaughter, Steele and Wilhite appeared and took their seats.

Mr. Kenyon gave notice that he would, on to-morrow or some subsequent day, introduce

A bill defining the title of mining claims.

Introduction and first reading of bills:

Pursuant to previous notice, Mr. Noteware introduced

J. M. No. 4, to Hon. Montgomery Blair, to establish mail service on the route from Denver to Empire City.

Pursuant to previous notice, Mr. Scudder introduced

H. B. No. 80, a bill for an act making appropriations for the fiscal year ending Dec. 31, A. D. 1862.

Pursuant to previous notice, Mr. Holly introduced

H. B. No. 81, a bill for an act to dissolve the bonds of matrimony between Mary Heald and John Heald.

Pursuant to previous notice, Mr. Powell introduced

H. B. No. 82, an act locating a Territorial Road from Fort Lyon to Buckskin Joe.

Which were read a first time by their respective titles.

Second reading and reference of bills:

J. M. No. 4, to P. M. General, for mail service from Denver to Empire City.

Referred to committee of the whole.

H. B. No. 80, a bill for an act making appropriations for the fiscal year ending Dec. 31st, A. D. 1862.

Referred to committee of ways and means.

H. B. No. 81, a bill for an act to dissolve the bonds of matrimony between Mary Heald and John Heald.

Referred to committee of divorce.

H. B. No. 82, a bill for an act locating a Territorial Road from Fort Lyon to Buckskin Joe,

Referred to committee of roads and bridges.

Consideration of bills reported back by committees:

H. B. No. 27, a bill for an act to organize the militia of Colorado Territory, and to repeal the act entitled "An act to organize the Militia," approved Oct. 18th, 1861.

Was read by sections.

Mr. Hamilton moved to amend Sec. 21, by striking out "two dollars" and inserting "one dollar."

Mr. Witter moved to amend the amendment by inserting "one dollar and a half."

Ayes and noes called for.

Ayes—Fosher, Slaughter, Whittemore, and Witter—4.

Noes—Barela, Beach, Chaffee, Chilcott, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Steele, Stone, Wilhite and Mr. Speaker—20.

Ayes 4, noes 20.

So the amendment was lost.

Question recurring upon the amendment proposed by Mr. Hamilton,

Ayes and noes called for.

Ayes—Beach, Hamilton, Whittemore, Wilhite and Witter —5.

Noes—Barela, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Mr. Speaker—15.

Ayes 5, noes 15.

So the amendment was lost.

Mr. Hayes moved to strike out Sec. 21.

Mr. Slaughter moved that the further consideration of this bill be indefinitely postponed.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, COL. TER.,
Denver, July 29th, 1862.

To the Hon. House of Representatives of the Legislative Assembly of Colorado Territory:

GENTLEMEN: I herewith return, without my approval, "An act to dissolve the bonds of matrimony between William W. Silsby and Laura Silsby," with objections to its becoming a law.

In disapproving this bill, I do not pretend to enter into a consideration of the merits or de-merits of the particular case involved, as such investigation could not be properly conducted without giving all the parties a fair opportunity for a hearing; and I judge such an investigation to be quite foreign to the duties assigned to my official position. Neither shall I enter upon the discussion of power or want of power in a legislative body for the passage of such laws as the one under consideration. A full elucidation of this question would carry me quite beyond the ordinary limits of a message.

The Legislature having already provided a liberal law under which aggrieved parties can have a remedy in all proper and meritorious cases, it occurs to me to be unwise to assume the discharge of the functions thus already assigned to the courts.

The propriety of leaving the adjudication of this class of questions in the hands of the courts, where the laws have already placed them, is more forcibly apparent from the consideration that the decrees of courts alone can properly adjust the equities in such cases by assigning the guardianship of children, if any, the determination of alimony, and the disposition of the effects of the partnership at its dissolution.

The mere mention of such difficulties will convince most persons of the impropriety of disposing of cases involving such varied and delicate interests and such sacred responsibilities, without looking to the consequences, by a simple unconditional declaration that the bonds of matrimony are hereby dissolved.

Neither do I regard a failure on the part of the proper authorities to hold courts, or the inconveniences attending any particular case, any good reason for such legislation. As well might the Legislative Assembly substitute its action in many other cases of equal or more pressing inconvenience. The proper remedy in such cases is plainly the enactment of such

laws as will provide against a want of courts, instead of an attempt to substitute them by legislative action.

Very respectfully,

JOHN EVANS.

The question was first taken upon the motion of Mr. Slaughter to indefinitely postpone.

Ayes and noes called for.

Ayes—Kenyon, Slaughter and Mr. Speaker—3.

Noes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Martine, Oakes, Powell, Steele, Stone, Whittemore, Wilhite and Witter—19.

Ayes 3, noes 19.

So the motion was lost.

The question was then taken upon the motion of Mr. Hayes to strike out Sec. 21.

Ayes and noes called for.

Ayes—Beach, Chaffee, Hamilton, Hayes, Whittemore, Wilhite and Mr. Speaker—7.

Noes—Barela, Chilcott, Fosher, Gallejos, Garcia, Hanscome, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone and Witter—17.

Ayes 7, noes 17.

So the motion was lost.

Mr. Chaffee moved to adopt the following as a substitute for Sec. 21:

"Each officer and private of a volunteer company shall receive two dollars per day or per night, when serving under the order of a sheriff of a county, mayor of a city, or order of the United States Marshal, to be paid out of the Territorial treasury, out of moneys not otherwise appropriated."

Amendment withdrawn.

Mr. Witter moved to add to Sec. 21, the following:

"*Provided*, That when the volunteer forces are called out to repel invasion or suppress Indian depredations, or in case of war, the expenses shall be paid out of the Territorial treasury."

Adopted.

Mr. Chaffee moved that the bill be ordered engrossed for a third reading.

Carried.

H. B. No. 51, a bill for an act defining where suits shall be brought before justices of the peace.

Was read.

Mr. Witter moved that the bill be ordered engrossed.

Mr. Holly moved that the bill be indefinitely postponed.

Mr. Wilhite moved to adjourn till 2 o'clock.

Ayes and noes called for.

Ayes—Gallejos, Konyon, Oakes, Scudder, Slaughter and Wilhite—6.

Noes—Barela, Beach, Chaffee, Chilcott, Fosher, Garcia, Hamilton, Hanscome, Hayes, Holly, Martine, Noteware, Powell, Steele, Stone, Whittemore, Witter and Mr. Speaker—18.

Ayes 6, noes 18.

So the motion to adjourn was lost.

The question being first taken upon the motion to indefinitely postpone,

Ayes and noes called for.

Ayes—Holly, Martine, Noteware, Powell, Scudder, Whittemore, Wilhite and Mr. Speaker—8.

Noes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Konyon, Oakes, Slaughter, Steele, Stone and Witter—16.

Ayes 8, noes 16.

So the motion was lost.

The question being taken on the motion to engross,

Ayes and noes called for.

Ayes—Barela, Beach, Fosher, Gallejos, Garcia, Hamilton, Martine, Oakes, Slaughter, Steele and Witter—11.

Noes—Chaffee, Chilcott, Hanscome, Hayes, Holly, Konyon, Noteware, Powell, Scudder, Stone, Whittemore, Wilhite and Mr. Speaker—13.

Ayes 11, noes 13.

So the motion to engross was lost.

Mr. Hanscome moved to add the following as an additional section:

SEC. 2. Each and every justice of the peace shall reside and hold his office in the precinct for which he was elected.

Adopted.

Mr. Witter moved that the bill be ordered printed as amended.

Carried.

Mr. Witter moved that the House adjourn till two o'clock.

Carried.

AFTERNOON SESSION.

House met at 2 o'clock, pursuant to adjournment.

Speaker in the chair.

Quorum present.

Mr. Holly moved that the rules be suspended, so as not to print

H. B. No. 43, a bill for an act fixing the fees of officers,

witnesses and jurors.

Lost.

Consideration of bills reported back was resumed.

H. B. No. 38, an act amendatory to an act entitled "An act to incorporate the Enterprise Wagon Road Company,"

Was read.

Mr. Chaffee moved that the bill be ordered engrossed for a third reading.

Carried.

H. B. No. 52, a bill for an act to dissolve the bonds of matrimony between James Wright and Marcella Wright.

Mr. Witter moved that the bill be ordered engrossed for a third reading.

Carried.

Third reading and final passage of bills:

H. B. No. 53, a bill for an act repealing an act entitled "An act to prevent the importation of stock into the Territory of Colorado for the purpose of grazing."

Was read.

Vote on final passage of the bill:

Ayes—Beach, Chaffee, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Kenyon, Oakes, Powell, Scudder, Slaughter, Stone, Whittemore and Witter—16.

Noes—Barela, Chilcott, Holly, Martine, Steele, Wilhite and Mr. Speaker—7.

Ayes 16, noes 7.

So the bill passed and title agreed to.

H. B. No. 39, an act amendatory of an act entitled "An act regulating elections," approved Nov. 6, 1861,

Was read.

Vote on final passage:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite and Witter—22.

Nay—Mr. Speaker

Ayes 22, nay 1.

So the bill passed and title was agreed to.

H. B. No. 40, a bill for an act amendatory to an act entitled "An act to provide for contested elections,"

Was read.

Vote on final passage of the bill:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—23.

Ayes 23, noes none.

So the bill passed and the title was agreed to.

H. B. No. 44, a bill for an act to amend the act entitled "An act concerning arbitrations and awards,"

Was read.

Vote on final passage of the bill:

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Oakes, Powell, Scudder, Slaughter, Steel, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—20.

Noes—Chaffee, Hanscome and Hayes—3.

Ayes 20, noes 3.

So the bill passed and the title was agreed to.

H. B. No. 18, an act to confirm and legalize certain acts of the people prior to the organization of Colorado Territory,

Was read.

Vote on final passage of bill:

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Holly, Kenyon, Martine, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Wilhite and Mr. Speaker—19.

Noes—Chaffee, Hayes, Whittemore and Witter—4.

Ayes 19, noes 4.

So the bill passed and title agreed to.

H. B. No. 63, a bill for an act relating to fencing,

Was read.

Vote on final passage of bill:

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—21.

Noes—Chaffee, Scudder and Witter—3.

Ayes 21, noes 3.

So the bill passed and title agreed to.

H. B. No. 59, a ball for an act to legalize the assessment of Summit county,

Was read.

Vote upon the final passage of the bill:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—23.

Nay—Scudder.

Ayes 23, nay 1.

So the bill passed and title agreed to.

H. B. No. 60, a bill for an act to prevent the introduction of stock belonging to non-residents into Boulder county for grazing and for other purposes,

Was read.

Vote on final passage of the bill:

Ayes—Barela, Beach, Chilcott, Gallejos, Garcia, Holly, Martine, Powell and Wilhite—9.

Noes—Chaffee, Fosher, Hamilton, Hanscome, Hayes, Kenyon, Noteware, Oakes, Scudder, Slaughter, Steele, Stone, Whittemore, Witter and Mr. Speaker—15.

Ayes 9, noes 15.

So the bill did not pass.

Consideration of bills reported back resumed:

Mr. Witter moved that

The report of special committee to whom was referred

H. B. No. 62, a bill for an act to incorporate the Frémont Orchard Plank Road and Turnpike Company,

Be adopted.

Carried.

Mr. Hamilton moved a re-consideration of the vote.

Carried.

So the vote was re-considered.

The question being upon the adoption of the report,

The ayes and noes were called for.

Ayes—Barela, Chaffee, Gallejos, Garcia, Hanscome, Hayes, Holly, Martine, Noteware, Scudder, Whittemore, Wilhite, Witter and Mr. Speaker—14.

Noes—Beach, Chilcott, Fosher, Hamilton, Kenyon, Oakes, Powell, Slaughter, Steele and Stone—10.

Ayes 14, noes 10.

So the report was adopted.

Mr. Chaffee moved that

Report of committee of incorporations referring to

H. B. No. 62,

Be adopted.

Carried.

Mr. Witter moved that

H. B. No. 62,

Be ordered engrossed, as amended, for third reading.

Third reading of Council bills:

C. B. No. 11, a bill for an act to change the name of Lazarus B. McLain,

Was read.

Vote on final passage of the bill:

Ayes—Barela, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Noteware, Oakes, Powell, Steele, Stone, Wilhite and Witter—16.

Noes—Holly, Kenyon, Martine, Scudder, Slaughter, Whittemore and Mr. Speaker—7.

Ayes 16, noes 7.

So the bill passed and title agreed to.

Mr. Chaffee offered the following resolution and moved its adoption:

Resolved, That the thanks of this House are hereby tendered to Hon. Wm. Gilpin for the present to this House of a map of Colorado Territory.

Mr. Hanscome moved that

H. B. No. 26, a bill for an act to amend an act entitled "An act concerning jurors," approved Nov. 5, 1861,

Be taken up and considered.

Carried.

Mr. Hanscome moved to strike out the words "or before" in the twelfth line.

Carried.

Mr. Holly moved that the printed bill be taken as the engrossed copy as amended.

Carried.

Mr. Holly moved to refer the Governor's message, vetoing H. B. No. 12, to judiciary committee.

Mr. Witter movtd to amend by instructing committee to inquire if the veto power had been modified by Congress at its last session.

Ayes and noes called for.

Ayes—Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Oakes, Powell, Slaughter, Steele, Stone, Whittemore, Witter and Mr. Speaker—16.

Noes—Barela, Chaffee, Hanscome, Hayes, Martine, Noteware, Scudder and Wilhite—8.

Ayes 16, noes 8.

So the motion as amended prevailed.

Original motion as amended was then carried.

Mr. Wilhite moved the adoption of the following resolution:

Resolved, That this House take no action on any petition or bill for divorce after this day.

Mr. Holly moved that the resolution lay upon the table.

Ayes and noes called for.

Ayes—Beach, Chilcott, Gallejos, Hamilton, Holly, Kenyon, Noteware, Oakes, Powell, Slaughter, Steele, Stone, Witter, and Mr. Speaker—14.

Noes—Barela, Chaffee, Fosher, Hanscome, Hayes, Martine, Scudder, Whittemore, and Wilhite—9.

Ayes 14, noes 9.

So the resolution was laid on the table.

Mr. Slaughter moved to reconsider the vote whereby

H. B. No. 60, a bill for an act to prevent the introduction of stock, belonging to non-residents, into Boulder County for grazing and for other purposes,

Was passed.

Carried.

The question being Shall the bill pass?

Mr. Slaughter moved that the further consideration of H. B. No. 60 be postponed until Monday next at 2 o'clock, p. m.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Gallejos, Garcia, Hamilton, Holly, Martine, Noteware, Oakes, Powell, Slaughter, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—17.

Noes—Chaffee, Fosher, Hanscome, Hayes, Scudder and Witter—6.

Ayes 17, noes 6.

So the motion prevailed.

Mr. Slaughter moved to adjourn.

Lost.

Mr. Witter moved that the House go into committee of the whole upon the general file.

Carried.

The House then resolved itself into the committee of the whole, Mr. Hamilton in the Chair.

Committee rose to receive a

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, July 30th, 1862.

MR. SPEAKER:—I am instructed to inform the House that the Council has passed H. B. No. 24, an act providing for an extra term of the Supreme Court, to be held in Denver, without amendment.

Very respectfully,
JOHN HOWARD, Sec'y of Council.

Committee resumed business upon the general file.

The committee rose.

House called to order.

Speaker in the Chair.

Mr. Hamilton, chairman of the committee, submitted the fowing report:

MR. SPEAKER:—The committee of the whole have had the following bills under consideration and report them back with the following recommendations:

H. B. No. 70,

Reported back with recommendation that the bill be ordered printed.

H. B. No. 72,

Reported back with recommendation that it be ordered printed.

H. B. No. 74,
Reported back with recommendation that it do pass.
H. B. No. 75,
Reported back with recommendation that it be indefinitely postponed.
H. B. No. 76,
Reported back with amendments, and recommend that it be indefinitely postponed.
H. B. No. 77,
Reported back with recommendation that it do pass, with amendments.
H. B. No. 79,
Reported back with recommendation that it be printed.
J. M. No. 4,
Reported back with recommendation that it be referred to a select committee.

Report received.
Mr. Holly moved that the report be adopted.
Adopted.
Pursuant to previous notice Mr. Stone introduced
H. B. No. 83, a bill for an act amendatory of an act entitled "An act creating a lien in favor of mechanics in certain cases," approved Nov. 4th, 1861.
Mr. Gallejos gave notice that he would, on to-morrow or some subsequent day, introduce
A bill to authorize Mariano Medina and Luis Papa to establish and keep a bridge on the waters of the Big Thompson, at the crossing of the Cherokee trail.
Mr. Chilcott gave notice that he would, on to-morrow or some subsequent day, introduce
A bill for an act districting the Territory for judicial purposes and assigning the judges.
Mr. Slaughter moved that the House adjourn.
The ayes and noes were called for.
Ayes—Barela, Beach, Chilcott, Gallejos, Garcia, Hamilton, Hayes, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Steele, Stone, Wilhite and Mr. Speaker—17.
Noes—Chaffee, Fosher, Hanscome, Holly, Whittemore and Witter—8.
Ayes 17, noes 6.
So the House adjourned.

THURSDAY, JULY 31st.

House met at 9 o'clock, a. m., pursuant to adjournment.
Speaker in the Chair.
Prayer by the Chaplain.
Roll called.
Absent—Messrs. Noteware, Slaughter, Steele and Stone.
The reading of the journal was dispensed with and referred to the committee on printing.
Mr. Chilcottt, from committee on incorporations, reported as follows:

MR. SPEAKER: Your committee on incorporations have had House Bill No. 69 under consideration, and beg leave to report the same back without amendment, and recommend its passage. G. M. CHILCOTT, Ch'n.

Report received.
Mr. Scudder, from committee of ways and means, reported back
H. B. No. 80, a bill for an act making appropriations for the current and contingent expenses of Colorado Territory for the fiscal year ending December 31, 1862,
Without amendment, and recommended its passage.
Report received.
Committee on credentials reported as follows:

Mr. SPEAKER: The committee on credentials beg leave to report that R. R. Harbour is present as a representative from the 8th Representative District, new districting, and is entitled to his seat in this House, by virtue of election, per official returns. E. S. WILHITE, Ch'n.

Report received.
Mr. Harbour was then sworn in, and took his seat as a member of this House.
Mr. Holly gave notice that he would, on to-morrow or some subsequent day, introduce
A bill for an act to amend an act entitled "An act relative to Notaries Public."
Mr. Holly offered the following resolution, and moved its adoption:
Resolved, That the Secretary of the Territory be requested to settle with E. A. Dubreuilel, late interpreter and translator for the House, for the time he served as such, being fourteen days.

Resolution adopted.

Mr. Holly asked for a suspension of the rules, so as to enable him to introduce

J. M. No. 5, a bill for a preamble and joint resolutions relating to the rebellion,

Without previous notice.

Mr. Fosher moved that the rules be snspended.

Carried.

Mr. Whittemore moved that the resolution whereby all bills of a public nature, were ordered printed, be reconsidered.

Carried.

So the resolution was reconsidered, and the question being again taken, the resolution was not adopted.

Introduction and first reading of bills:

Pursuant to previous notice, Mr. Whittemore introduced

H. B. No. 84, a bill for an act relative to Notaries Public.

Pursuant to previous notice, Mr. Oakes introduced

H. B. No. 85, a bill for an act to incorporate the Exchange and Rocky Mountain Insurance Company.

Pursuant to previous notice, Mr. Chaffee introduced

H. B. No. 86, an act amendatory to an act entitled an act to incorporate the Colorado and Pacific Wagon, Telegraph, and Railroad Company, approved No. 6, 1861.

Pursuant to previous notice, Mr. Holly introduced

J. M. No. 6, a bill for a memorial to the Postmaster General, for a tri-weekly mail to Boulder City.

All of which were read a first time by their respective titles

And ordered to a second reading.

Messrs. Stone and Noteware appeared and took their seats.

Second reading and reference of bills:

H. B. No. 84, relative to Notaries Public,

Referred to committee of the whole.

H. B. No. 85, to incorporate the Exchange and Rocky Mountain Insurance Company.

Referred to committee of incorporations.

J. M. No. 4, for joint resolutions relating to the rebellion,

Referred to committee of the whole.

H. B. No. 86, amendatory of "An act to incorporate the Colorado and Pacific Wagon, Telegraph and Railroad Company,"

Was read by title.

Mr. Chaffee moved to refer the bill to Judiciary committee.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Gallejos, Hamilton, Hanscome, Harbour, Hayes, Martine, Noteware, Oakes, Whittemore, Wilhite, Witter, and Mr. Speaker—15.

Noes—Chilcott, Fosher, Holly, Kenyon, Powell, Scudder, and Stone—7.

Ayes 15, noes 7.

So the motion prevailed, and

The bill was referred to Judiciary committee.

J. M. No. 6, for a tri-weekly mail to Boulder City.

Referred to committee of the whole.

Consideration of bills reported back by committees.

H. B. No. 6, amendatory of "An act concerning ejectments,"

Was read.

Mr. Hanscome moved to strike out the word "white" in Sec. 3, line 3.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Martine, Noteware, Powell, Whittemore, and Witter—14.

Noes—Fosher, Harbour, Holly, Kenyon, Oakes, Scudder, Stone, Wilhite, and Mr. Speaker—9.

Ayes 14 noes 9.

So the motion prevailed.

Mr. Hanscome moved that the printed copy be considered the engrossed bill, and ordered to a third reading.

Carried.

H. B. No. 74, amendatory of an act creating lien in favor of ranchmen and others.

Was read.

Mr. Witter moved that the bill be considered engrossed, and ordered to a third reading.

Carried.

Messrs. Slaughter and Steele appeared and took their seats.

H. B. No. 77, an act to incorporate the Clear Creek Wagon Road Company.

Was read.

Mr. Chaffee moved the adoption of the following, as an additional section:

That whenever any county or the Territory, shall choose to purchase said road for the purpose of making a free road of the same; this act shall be so construed that the owners thereof shall sell the same for the sum of four thousand dollars.

Adopted.

Mr. Hamilton moved that the bill be ordered engrossed for a third reading.

Carried.

Unfinished Business.

J. M. No. 4, for mail service between Empire City to Denver.

The Speaker appointed as special committee, Messrs, Noteware, Hamilton and Harbour.

H. B. NO. 80, to make appropriations for the fiscal year ending 31st December, 1862.

Was read by title.

Mr. Holly moved to refer to committee of the whole.

Carried.

H. B. No. 69, a bill for an act to incorporate the Colorado Town Company.

Was read.

Mr. Beach moved that the bill be ordered engrossed.

Carried.

Third reading and passage of bills:

H. B. No. 26, a bill for an act to amend the act concerning Jurors.

Was read.

Vote on the final passage:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter, Mr. Speaker—25.

Ayes 25, noes, none.

So the bill passed and title agreed to.

H. B. No. 74, a bill for an act amendatory of an act entitled an act to create a lien in favor of ranchmen and others.

Was read a third time.

Committee of engrossment reported as follows:

MR. SPEAKER:—Your committee on engrossment, beg leave to report house bills No. 14, 38, 42, 47, 52 and 54, as correctly engrossed. O. A. WHITTEMORE, Ch'n.

Report received.

Committee of enrollment reported as follows:

That H. B. No. 24, a bill for an act providing for an extra term of the Supreme Court to be held in Denver,

Is correctly enrolled.

Report received.

Vote on final passage of H. B. No. 74.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Oakes, Powell, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter, and Mr. Speaker—21.

Noes—Chaffee and Noteware—2.

Ayes 21, noes 2.

So the bill passed and title agreed to.

H. B. No. 6, a bill for an act amendatory of an act entitled "An act concerning ejectments."

Was read.

Vote upon final passage.

Ayes—Barela, Beach, Chaffee, Chilcott, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter, and Mr. Speaker—23.

Ayes 23, noes, none.

So the bill passed and title was agreed to.

H. B. No. 14, a bill for an act relating to counties and county officers, having failed to organize,

Was read.

Mr. Powell moved to insert "second Monday in October," in the blank, in Sec. 2.

Mr. Slaughter moved to fill blank in Sec. 2, with "second Tuesday in September."

Ayes and noes called for.

Ayes—Barela, Beach, Gallejos, Garcia, Hamilton, Harbour, Martine, Slaughter, Steele, Stone, Whittemore, and Witter —12.

Noes—Chaffee, Chilcott, Fosher, Hanscome, Hayes, Holly, Kenyon, Noteware, Oakes, Powell, Scudder, and Mr. Speaker—12.

Ayes 12, noes 12.

So the amendment to the amendment was lost.

The question recurring upon the motion of Mr. Powell.

Ayes and noes were called for.

Ayes—Chaffee, Gallejos, Garcia, Hanscome, Harbour, Hayes, Holly, Oakes, Scudder, Steele, and Mr. Speaker—11.

Noes—Barela, Beach, Chilcott, Fosher, Hamilton, Martine, Noteware, Powell, Slaughter, Stone, Whittemore, Witter—12.

Ayes 11, noes 12.

So the motion was lost.

Mr. Powell moved to insert "last Monday in August."

Lost.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, July 31st, 1862.

MR. SPEAKER:—I am instructed to inform the House that the Council has passed C. B. No. 2, "An act to incorporate the Golden Gate and Gregory Road Company," and the concurrence of your honorable body is respectfully aequested.

Very respectfully, JNO. HOWAAD,
Sec'y of Council.

Mr. Witter moved that

H. B. No. 14, a bill for an act relating to counties and county officers, having failed to organize.

Be committed to a special committee of three, to report what date to insert in blank, in Sec. 2.

State Historical and
Natural History Society,
DENVER, COLORADO.

Carried.

Mr. Speaker appointed Messrs. Fosher, Powell, and Steele, as such committee.

H. B. No. 47, a bill for an act to invest religious societies, with certain powers of bodies corporate.

Was read.

Vote on final passage:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Whittemore, and Witter—20.

Noes—Garcia, Harbour, and Mr. Speaker—3.

Ayes 20, noes 3.

So the bill passed and the title was agreed to.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, COL. TER.,
Denver, July 31s., 1862.

To the Hon. House of Representatives of the Legislative Assembly of Colorado Territory:

SIR:—I have approved and signed an act entitled "An act providing for an extra term of the Supreme Court, to be held in Denver.

Respectfully,
JNO. EVANS,
Governor of Col. Ter.

H. B. No. 42, a bill for an act to incorporate the Empire City, New Pass, Breckinridge, and Montgomery City Road Company,

Was read.

Vote on the final passage:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Hamilton, Hanscome, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, and Wilhite—19.

Noes—Harbour, Hayes, Whittemore, Witter, and Mr. Speaker—5.

Ayes 19, noes 5.

So the blll passed and title was agreed to.

H. B. No. 38, a bill for an act amendatory to an act to incorporate the Enterprise Wagon Road Company.

Was read.

Vote on the final passage:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Note-

ware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, and Wilhite—20.

Noes—Harbour, Whittemore, Witter, and Mr. Speaker—4.

Ayes 20, noes 4.

So the bill passed and title was agreed to.

H. B. No. 54, a bill for an act to incorporate the Cache la Poudre and Platte River Bridge Company,

Was read.

Mr. Witter moved that the bill be indefinitely postponed.

Lost.

Mr. Hanscome moved that the bill be committed to a special committee of three.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Gallejos, Hanscome, Harbour, Hayes, Holly, Martine, Oakes, Scudder, Stone, Whittemore, and Witter—14.

Noes—Chilcott, Fosher, Hamilton, Kenyon, Noteware, Powell, Slaughter, Steele, Wilhite, and Mr. Speaker—10.

Ayes 14, noes 10.

So the motion prevailed.

The Speaker appointed as such committee,

Messrs. Hanscome, Kenyon and Steele.

H. B. No. 52, a bill for an act to dissolve the bonds of matrimony between James Wright and Marcella Wright,

Was read.

Vote on final passage of the bill:

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Hanscome, Hamilton, Hayes, Holly, Kenyon, Oakes, Powell, Slaughter, Stone, Wilhite, and Witter—16.

Noes—Chaffee, Harbour, Martine, Noteware, Scudder, Steele, Whittemore, and Mr. Speaker—8.

Ayes 16, noes 8.

So the bill passed, and the title was agreed to.

Mr. Hanscome moved to refer J. M. No. 5, a bill for a preamble and joint resolutions relating to the rebellion, to a committee of federal relations.

Carried.

Mr. Hanscome moved to refer

J. M, No. 6, to Postmaster General, for tri-weekly mail to Boulder City, to the same committee.

Ayes and noes called for.

Ayes—Barela, Chaffee, Fosher, Gallejos, Hamilton, Hanscome, Harbour, Hayes, Noteware, Scudder, Steele, Whittemore, and Mr. Speaker—13.

Noes—Beach, Chilcott, Holly, Kenyon, Martine, Oakes, Powell, Slaughter, Stone, Wilhite and Witter—11.

Ayes 13, noes 11.

So the motion prevailed,
And the memorial was so referred.

MESSAGE FROM COUNCIL.

COUNCIL CHAMBER, July 31, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed C. B. No. 22, "An act to amend an act relating to counties and county officers," and respectfully ask the concurrence of your honorable body therein.

Very Respectfully,
JOHN HOWARD,
Sec'y of the Council.

Mr. Holly gave notice that he would, on to-morrow or some subsequent day introduce

A bill for an act requiring an oath to be taken by voters in certain cases.

Mr. Noteware gave notice that on to-morrow or some subsequent day he would introduce

A bill for an act to provide for the support and maintenance of common schools.

Mr. Holly moved to take up from table

H. B. No. 19, a bill for an act to secure a homestead,

Carried.

H. B. No. 19, a bill for an act to secure a homestead.

Was read.

Mr. Holly offered a substitute for the bill, and moved its adoption.

Carried.

Mr. Stone moved to insert the "one" in Sec. 1.

Mr. Powell moved to amend to insert "two."

Ayes and noes called for.

Ayes—Beach, Chilcott, Hamilton, Harbour, Martine, Powell, and Slaughter—8.

Noes—Barela, Chaffee, Fosher, Hanscome, Hayes, Holly, Noteware, Oakes, Scudder, Steele, Stone, Whittemore, Wilhite, Witter, and Mr. Speaker—15.

Ayes 8, noes 15.

So the amendment to the amendment was lost.

The question recurring upon the original motion,

Ayes and noes called for.

Ayes—Fosher, Hamilton, Hanscome, Harbour, Hayes, Martine, Scudder, Stone, and Witter—9.

Noes—Barela, Beach, Chaffee, Chilcott, Gallejos, Holly, Noteware, Oakes, Powell, Slaughter, Steele, Whittemore, Wilhite, and Mr. Speaker—14.

Ayes 9, noes 14.

So the motion of Mr. Stone was lost.

Mr. Holly moved to insert "five" in Sec. 1.

Mr. Chaffee moved to amend by inserting "five hundred."

Mr. Noteware moved that the house adjourn till 2 o'clock, this afternoon.

Carried.

So the House adjourned.

AFTERNOON SESSION.

House met at 2 o'clock, pursuant to adjournment.

Speaker in the chair.

Quorum present.

Consideration of House Bill No. 19, to secure a homestead, Resumed.

Mr. Witter moved to fill blank with $1,500,

Mr. Slaughter moved that the blank be filled with $2,500.

Mr. Stone moved to insert $1,900.

Mr. Whittemore moved to fill the blank with $5,000.

Question being taken first upon Mr. Whittemore's motion to fill with $10,000.

It was lost.

The vote was then taken upon filling the blank with $10,000.

Ayes and noes called for.

Ayes—Holly, and Oakes—2.

Noes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Kenyon, Martine, Noteware, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter, and Mr. Speaker—23.

Ayes 2, noes 23.

Lost.

Question was then taken upon filling blank with $2,500.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Gallejos, Garcia, Holly, Martine, Oakes, Powell, and Slaughter—10.

Noes—Chaffee, Fosher, Hamilton, Hanscome, Harbour, Hayes, Kenyon, Noteware, Scudder, Steele, Stone, Whittemore, Wilhite, Witter, and Mr. Speaker—15.

Ayes 10, noes 15.

Lost.

Question was then taken upon filling the blank with $1,900.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Garcia, Holly, Kenyon, Oakes, Powell, and Slaughter—9.

Noes—Chaffee, Fosher, Gallejos, Hamilton, Hanscome, Harbour, Hayes, Martine, Noteware, Scudder, Steele, Stone, Whittemore, Wilhite, and Mr. Speaker—16.

Ayes 9, noes 16.

Lost.

Question was then taken upon filling the blank with $1,500.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Gallejos, Garcia, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Wilhite, and Witter—16.

Noes—Chaffee, Fosher, Hamilton, Harbour, Hayes, Steele, Stone, Whittemore, and Mr. Speaker—9.

Ayes 16, noes 9.

Carried.

So the blank was filled with fifteen hundred dollars.

Mr. Witter moved to amend Sec. 1 by adding the following words:

"Provided but one homestead shall be exempted for any debtor and his family."

Carried.

Mr. Witter moved to strike out "of" in line five, Sec. 1, and insert "not to exceed."

Carried.

Mr. Chaffee moved to strike out "shall be" in line 1, Sec. 1.

Ayes and noes called for.

Ayes—Chaffee, Fosher, Hamilton, Hanscome, Harbour, Hayes, Steele, Stone and Mr. Speaker—9.

Noes—Barela, Beach, Chilcott, Gallejos, Garcia, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Whittemore, Wilhite and Witter—16.

Ayes 9, noes 16.

So the motion was lost.

Mr. Hanscome moved to strike out all of Sec. 1, after the fourth line, and insert the following words:

"Forty acres of land or not exceeding two contiguous lots in any town or village, together with the dwelling house or other improvements thereon."

Ayes and noes called for.

Ayes—Chaffee, Fosher, Hamilton, Hanscome, Harbour, Hayes, Stone, Whittemore, Witter and Mr. Speaker—10.

Noes—Barela, Beach, Chilcott, Gallejos, Garcia, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele and Wilhite—15.

Ayes 10, noes 15.

So the motion was lost.

Mr. Holly moved that H. B. No. 19, be ordered engrossed for a third reading.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, July 31st, 1862.

MR. SPEAKER:—I am instructed to inform the House that the Council has passed C. B. No. 17, an act granting the exclusive right to Joseph B. Doyle to erect and maintain a bridge across the Arkansas River, and the concurrence of your honorable body is respectfully requested.

Very respectfully,

JOHN HOWARD,
Secretary of the Council.

Ayes and noes on motion to engross.

Ayes—Barela, Beach, Fosher, Gallejos, Garcia, Hamilton, Harbour, Holly, Kenyon, Martine, Oakes, Powell, Slaughter, Steele, Wilhite and Witter—16.

Noes—Chaffee, Hanscome, Hayes, Noteware, Scudder, Stone, Whittemore and Mr. Speaker—8.

Ayes 16, noes 8.

So the motion prevailed.

Mr. Slaughter moved that the House adjourn.

Ayes and noes called for.

Ayes—Barela, Chaffee, Gallejos, Garcia, Harbour, Hayes, Holly, Martine, Oakes, Slaughter, Steele, Whittemore, Wilhite and Witter—14.

Noes—Beach, Fosher, Hamilton, Hanscome, Kenyon, Noteware, Powell, Scudder, Stone and Mr. Speaker—10.

Ayes 14, noes 10.

So the motion prevailed and the House adjourned.

FRIDAY, AUGUST 1st.

House met at 9 o'clock, a. m.

Chief Clerk in the Chair.

Roll called.

Absent—Messrs. Barela, Chaffee, Garcia, Holly, Kenyon, Noteware, Slaughter, Steele and Mr. Speaker.

Mr. Hayes moved that the House adjourn until 2 o'clock, p. m.

Ayes and noes called for.

Ayes—Beach, Chilcott, Fosher, Gallejos, Hamilton, Harbour, Hayes, Martine, Oakes, Powell, Scudder, Whittemore, Wilhite and Witter—14.

Nay—Hanscome.

Ayes 14, nay 1.

So the House adjourned.

AFTERNOON SESSION.

House met at 2 o'clock pursuant to adjournment.
Speaker in the chair.
Quorum present.
Reading of the journal was dispensed with and
Referred to committee on printing.
Mr. Chilcott, from committee on incorporations, submitted the following report:

MR. SPEAKER: Your committee on incorporations have had H. B. No. 68 under consideration, and beg leave to report the same back with the following amendments, and recommend its passage:
In Sec. 1, twenty-second line, after the words "United States," add "and Colorado Territory." Also, amend Sec. 1, by adding "this act shall not be so construed as to prevent any owner or owners of claims having priority of right over said company from the use of water from said Tarryall creek. Also, in Sec. 8, ninth line, strike out "three hundred" and insert "fifty."

G. M. CHILCOTT, Ch'n.
J. B. CHAFFEE,
JOHN FOSHER,
JOS. KENYON,
VICTOR GARCIA.

Report received.
Mr. Whittemore, from committee on engrossment, submitted the following report:

MR. SPEAKER: Your committee on engrossed bills, beg leave to report H. B. Nos. 27, 49, 55, 57, 62, 64 and 67, as correctly engrossed.

O. A. WHITTEMORE, Ch'n.

Report received.
Mr. Holly gave notice that he would, on to-morrow or some subsequent day, introduce
A bill for an act to amend an act entitled "An act to organize and establish the treasury department.
Introduction and first reading of bills:
Pursuant to previous notice, Mr. Holly introduced
H. B. No. 87, a bill for an act requiring an oath to be taken by voters in certain cases.
Pursuant to previous notice, Mr. Hayes introduced

H. B. No. 88, a bill for an act to amend the law relating to licenses.

Pursuant to previous notice, Mr. Whittemore introduced

H. B. No. 89, a bill for an act for the protection of mining claims out of mining seasons.

Pursuant to previous notice, Mr. Chilcott introduced

H. B. No. 90, a bill for an act to divide the Territory of Colorado into judicial districts, and to provide for the time of holding courts in the same.

All of which were read a first time by title, and ordered to a second reading.

Mr. Witter was excused, along with the other members of the military committee for absence during a call of the house a few days ago.

Second reading of Council bills:

C. B. No. 2, an act to incorporate the Golden Gate and Gregory Road Company,

Was read.

Mr. Hanscome moved to refer to a special committee, composed of the members from Gilpin and Jefferson counties, and Mr. Hamilton.

Mr. Slaughter moved to refer to committee on incorporations.

Lost.

Question on Mr. Hanscome's motion

Was taken and carried.

Mr. Fosher moved the adoption of the following:

That the committee have power to send for men and papers that they may deem proper.

Mr. Chaffee moved that the motion be laid upon the table.

Carried.

Mr. Holly moved that the special order of the day, to wit:

H. B. No. 73, defining and regulating practice and proceedings in courts of justice and other purposes,

Be postponed till Wednesday.

Mr. Fosher moved to amend by making it Friday.

The ayes and noes were called for.

Ayes—Chaffee, Fosher, Hamilton, Harbour, Hayes, Noteware, Oakes, Steele, Stone, Whittemore and Mr. Speaker—11.

Noes—Chilcott, Gallejos, Garcia, Hanscome, Holly, Kenyon, Martine, Powell, Slaughter, Wilhite and Witter—11.

Ayes 11, noes 11.

So the amendment of Mr. Fosher was lost.

The question was then taken upon the original motion and carried.

So H. B. No. 73 was set for the special order of Wednesday next.

C. B. No. 17, an act granting exclusive right to J. B. Doyle to erect a bridge across the Arkansas river,

Was read a first and second time by title, and

Referred to committee on incorporations.

C. B. No. 22, relating to counties and county officers,

Was read a first and second time by title, and

Referred to committee on counties and county lines.

Second reading and reference of House bills:

H. B. No. 87, a bill for an act requiring an oath be taken by voters in certain cases,

Was read.

Mr. Hanscome moved that the bill be referred to committee on judiciary.

Carried.

Mr. Holly moved that the bill be ordered printed.

Ayes and noes called for.

Ayes—Chaffee, Chilcott, Fosher, Gallejos, Garcia, Holly, Kenyon, Martine, Oakes, Stone and Mr. Speaker—11.

Noes—Hamilton, Hanscome, Harbour, Hayes, Powell, Scudder, Slaughter, Steele, Whittemore, Wilhite and Witter—11.

Ayes 11, noes 11.

So the motion to print was lost.

H. B. No. 88, a bill for an act to amend the license law,

Was read a second time, and

Referred to committee on judiciary.

H. B. No. 89, a bill for an act for the protection of mining claims out of mining season,

Was read, and

Referred to committee on mines and minerals.

H. B. No. 90, a bill for an act to divide the Territory of Colorado into judicial districts, and to provide for the time of holding courts in the same was read, and referred to the committee on judiciary.

Consideration of bills reported back by committees:

J. M. No. 1, to Congress, to have laws printed in the Spanish language,

Was read,

And on motion,

The memorial was ordered engrossed for a third reading.

H. B. No. 68, a bill for an act to incorporate the Hamilton Flume and Tunnel Company,

Was read.

Mr. Holly moved to amend by adding after Sec. 17, the words "relating to the affairs of the company."

Carried.

Mr. Witter moved that the amendments proposed by the committee be adopted.

Carried.

Mr. Witter moved that the bill be ordered engrossed for a third reading.

Carried.

Third reading of House Bills:

H. B. No. 67, a bill for an act to prevent the carrying of concealed deadly weapons in the cities and towns of this Territory,

Was read.

Mr. Chaffee moved to add the following as an additional section:

SEC. 5. All fines under this act may be collected before any justice of the peace in the district in which the offense may be committed, one-half to go to the informer and the other half to the county.

Adopted.

Vote on final passage of the bill:

Ayes—Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Whittemore, Wilhite and Witter—18.

Noes—Kenyon, Slaughter, Steele, Stone and Mr. Speaker—5.

Ayes 18, noes 5.

So the bill passed and the title was agreed to.

H. B. No. 27, a bill for an act to organize the militia and repeal act to organize militia,

Was taken up for third reading.

Mr. Chaffee moved that the bill be considered read.

Carried.

Vote on final passage of bill:

Ayes—Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hayes, Holly, Martine, Oakes, Powell, Scudder, Steele, Wilhite and Witter—16.

Noes—Kenyon, Slaughter, Whittemore and Mr. Speaker—4.

Ayes 16, noes 4.

So the bill passed and title was agreed to.

H. B. No. 57, a bill for an act to incorporate a free cemetery in Conejos county,

Was read.

Vote on final passage of bill:

Ayes—Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—21.

Nay—Harbour.

Ayes 21, nay 1.

So the bill passed and title was agreed to.

H. B. No. 62, a bill for an act to incorporate the Frémont's Orchard Plank Road and Turnpike Company,

Was read.

Vote on final passage of bill:

Ayes—Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele and Wilhite—16.

Noes—Chaffee, Harbour, Hayes, Stone, Whittemore, Witter and Mr. Speaker—7.

Ayes 16, noes 7.

So the bill passed and title was agreed to.

H. B. No. 64, a bill for an act to incorporate the Eldorado Ditch Company,

Was read.

Vote on final passage of bill:

Ayes—Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Noteware, Oakes, Powell, Scudder, Slaughter, Steele and Stone—15.

Noes—Chaffee, Harbour, Martine, Whittemore, Wilhite, Witter and Mr. Speaker—7.

Ayes 15, noes 7.

So the bill passed and title was agreed to.

Mr. Holly moved to reconsider the vote whereby

H. B. No. 64, was passed.

Lost.

H. B. No. 49, a bill for an act to incorporate the Ute Pass Wagon Road Company, was read.

Mr. Witter moved to add the following as an addition to Sec. 11: "*Provided*, That toll shall only be collected upon so much of said road as may have been worked and completed at a rate per mile in proportion to the toll allowed for the whole length of said road."

Adopted.

Vote upon final passage of H. B. No. 49:

Ayes—Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Steele, Stone and Wilhite—18.

Noes—Harbour, Whittemore, Witter and Mr. Speaker—4.

Ayes 18, noes 4.

So the bill passed and title was agreed to.

H. B. No. 55, a bill for an act to incorporate the Fairplay Ditch Company, was read a third time.

Vote on final passage of the bill:

Ayes—Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone and Witter—17.

Noes—Harbour, Martine, Whittemore, Wilhite and Mr. Speaker—5.

Ayes 17, noes 5.

So the bill passed and title agreed to.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, Aug. 1st, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed H. B. No. 31, a bill for an act fixing the time of the meeting of the legislative assembly, with the following amendment in Sec. 1st:

"That the legislative assembly shall convene at the seat of government, on the first Monday in July, 1863, and annually thereafter."

And the concurrence of your honorable body is respectfully requested.

Very respectfully,

JNO. HOWARD,
Secretary of the Council.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 1st, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed H. B. No. 15, an act granting the exclusive right to John Rogers and others to maintain a bridge across the Arkansas River at Rock Bluff Cañon.

Also,

H. B. No. 29, an act granting the exclusive right to the Pueblo Town Company to maintain a ferry or bridge across the Arkansas River at Pueblo, with amendment.

Also,

C. J. R. No. 3, and the concurrence of the House is respectfully requested.

Very respectfully,

JOHN HOWARD,
Sec'y of Council.

Mr. Holly moved the following resolution, and moved its adoption:

Resolved, That the committee on Territorial affairs be instructed to inquire into the expediency of encouraging the manufacture of salt in this Territory, by offering a bounty or otherwise, and that they be requested to report by bill or otherwise.

Adopted.

Mr. Speaker read the following communication:

EXECUTIVE DEPARTMENT, COL. TER.,
SECRETARY'S OFFICE, DENVER, Aug. 1st, 1862.

To the Hon. Speaker of the House of Representatives:

SIR: I am in receipt of a resolution passed by your honorable body, July 31st, in regard to the pay of E. A. Dubreuille, Interpreter.

In reply, I send you a copy of my instructions as regards the officers of the two Houses:

"There being in the Organic Act of your Territory no specification of the character or number of such officers, resort must be had to the second section of the act of August 29th, 1842. (See Vol V, Stats. at Large, p. 343.) It specifies the following for each house, *and no more:* One Secretary and Assistant Secretary or Clerk, one Sergeant-at-Arms or doorkeeper, one Messenger and one Foreman; to no one of whom shall more than three dollars a day for the session be paid."

On the 6th day of June I addressed to the Department the following among other interrogatories:

"Am I authorized to employ one or more interpreters as may be necessary to interpret for Mexican members of the legislature? There will be four Mexican members in the next session, who cannot understand or speak English, and one or more interpreters will be necessary."

To this I have as yet received no reply from the department. Until I am authorized by the department, I clearly cannot employ or pay an Interpreter.

In a letter addressed to the Hon. H. P. Bennet, upon the subject of printing the Texritooial laws in Spanish, the department decided to the effect that they could not allow any expenditures for that purpose except authorized by a special act of Congress, and I am of the opinion that they will also decline to make an allowance for either Interpreter or Translator, unless so authorized.

Respectfully, SAM. H. ELBERT,
Sec'y of Colorado Territory.

M. Chaffee offered the following resolution as a substitute for Rule of Order No. 41, and moved its adoption:

All bills shall be referred to their appropriate committees, by the Speaker, on their second reading, unless otherwise ordered by the House.

Adopted.

Pursuant to previous notice, Mr. Stone introduced

H. B. No. 91, a bill for an act amendatory of an act entitled "An act concerning Justices of the Peace and Constables."

Mr. Noteware moved to adjourn.

The ayes and noes were called for.

Ayes—Gallejos, Garcia, Hamilton, Harbour, Martine Noteware, Powell, Scudder, Whittemore and Mr. Speaker—10.

Nays—Chaffee, Chilcott, Fosher, Hanscome, Hayes, Holly, Oakes, Slaughter, Steele, Stone, Wilhite and Witter—12.

Ayes 10, noes 12.

So the motion was lost.

Mr. Noteware moved to adjourn till Tuesday at 3 o'clock, p. m.

Mr. Holly moved to adjourn till to-morrow morning at 10 o'clock, a. m.

Ayes and noes on amendment:

Ayes—Hamilton, Harbour, Holly, Martine, Noteware, Scudder, Whittemore and Mr. Speaker—8.

Noes—Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hanscome, Hayes, Oakes, Powell, Slaughter, Steele, Stone, Wilhite and Witter—14.

Ayes 8, noes 14.

So the amendment was lost.

The question recurring upon the motion to adjourn till Tuesday at 3 o'clock, p. m.,

Mr. Hanscome moved to amend, to adjourn till Tuesday at 9 o'clock, a. m.

Mr. Holly took an appeal from the decision of the Chair, in entertaining the amendment of Mr. Hanscome, after one amendment was lost.

The question being, Shall the House stand by the decision of the Chair?

Ayes—Chilcott, Fosher, Gallejos, Hamilton, Hanscome, Kenyon, Powell, Whittemore and Witter—9.

Noes—Chaffee, Harbour, Hayes, Holly, Martine, Noteware, Oakes, Scudder, Slaughter, Steele, Stone and Wilhite—12.

Ayes 9, noes 12.

Mr. Garcia was excused from voting.

So the decision of the Chair was not sustained, and Mr. Hanscome's motion was declared out of order.

The question being taken upon the motion to adjourn till Tuesday at 3 o'clock, p. m.,

The ayes and noes were called for.

Ayes—Chaffee, Chilcott, Garcia, Harbour, Hayes, Kenyon, Martine, Oakes, Slaughter, Steele, Stone and Witter—12.

Noes—Fosher, Gallejos, Hamilton, Holly, Noteware, Powell, Scudder, Whittemore, Wilhite and Mr. Speaker—11.

Ayes 12, noes 11.

So the motion prevailed,

And the House adjourned till Tuesday at 3 o'clock.

TUESDAY, August 5th.

House met at 3 o'clock, p. m., pursuant to adjournment.

Speaker in the Chair.

Roll called.

Absent—Barela, Chaffee, Gallejos, Garcia, Hanscome, Hayes, Martine, Oakes, Slaughter, Steele, Whittemore, Wilhite, and Witter.

Mr. Holly moved a call of the House.

Carried.

The Serg't-at- Arms was dispatched for the absentees.

Several of absentees appeared.

A quorum being present,

Mr. Scudder moved that further proceedings under the call be dispensed with,

Lost.

Mr. Noteware moved that further proceedings under the call be dispensed with.

Ayes and noes called for.

Ayes—Beach, Gallejos, Hamilton, Hanscome, Harbour, Kenyon, Noteware, Scudder, Stone, and Mr. Speaker—10.

Noes—Chaffee, Chilcott, Fosher, Holly, and Powell—5.

Ayes 10, noes 5.

So the motion prevailed.

Reading of the Journal was dispensed with.

Mr. Holly presented the following petition from citizens of Boulder County:

To the Legislative Assembly, Colorado Territory:

The undersigned, citizens of Boulder County, respectfully pray your Honorable Body to enact a law preventing the introduction of stock belonging to non-residents into their county, for grazing purposes, and as in duty bound, we will ever pray, etc.

D. P. Walling, Robert Nivers,
and thirty-nine others.

Mr. Holly presented the following petition from members of the bar:

To the Honorable, the Legislative Assembly, of Colorado Territory:

The undersigned, members of the bar of said Territory, respectfully beg leave to recommend to your honorable body the expediency of enacting what is commonly called a "Code," at your present session, as better suited to the wants and practice

of the people of this Territory than the present mixed practice, and as in duty bound we shall ever pray, etc.

J. W. Hambleton, Sam. H. Elbert,
Chas. F. Holly, Wm. M. Slaughter,
William F. Stone, C. G. Hanscome,
A. Morrison Cassiday, James E. Dalliba,
W. P. Bacon.

Mr. Kenyon presented the following petition:

To the Honorable, the Legislative Assemby of Colorado Territory:

Your petitioners, citizens of Colorado Territory, would hereby set forth that it is the practice of persons in this Territory to erect toll bridges across small streams and fordable rivers, and fence up the roads where fording places have already been made and used for years before these bridges had been built. We therefore ask that a law may be passed that any person building a bridge whereon to collect toll be obliged to keep open a place where persons may ford the stream, if the same was fordable at or near that place before his bridge was built, "and that at once."

G. A. Fleming, Peter Romine,
(and seventy-three others.)

Petition received and referred to the judiciary committee:

Mr. Hanscome presented the following petition from citizens of Gilpin county:

To the Honorable, the Council and House of Representatives of the Territory of Colorado:

We, the undersigned citizens of Gilpin county, would most respectfully submit to your honorable body, that the section of country now embraced within the county of Gilpin is known not only through this Territory, but through a greater portion of the States as the Gregory mines; that this ambiguity in many instances leads to confusion; and further, that properly and justly the name of this county should be Gregory after the name of the discoverer of the mines: *Therefore*, We, your petitioners do respectfully ask of your honorable body, that the name of this county be changed from Gilpin to Gregory county, and as in duty bound, your petitioners will ever pray.

C. R. Bissell, Chas. C. Post.
(and two hundred and sixty-seven others.)

Mr. Chilcott, from committee on incorporations, submitted the following report:

MR. SPEAKER: Your committee on incorporations have had C. B. No. 17 under consideration, and beg leave to report the same back with the following amendment: In Sec. 1 strike out "six" where it occurs the first time in the fourth line, and insert "two and one-half," and recommend its passage.

Also have had H. B. No. 85 under consideration and beg leave to report the same back without recommendation.

G. M. CHILCOTT, Ch'n.

Mr. Fosher from committee on counties and county lines submitted the following report:

MR. SPEAKER: Your select committee to whom was referred H. B. No. 14, have had the same under consideration and beg leave to make the following report: That Sec. 2 be so amended as follows: strike out all after the word "election" in the eighth line and insert "to be held on the day fixed by law for the next general election;" and strike out Sec. 3, and insert the following as a substitute: Sec. 3. All persons so elected shall qualify and perform all the duties of their respective offices as required of them by law, provided, that the assessor have forty days after he is officially notified of his election to take the assessment and make his returns; and also, that the treasurer have fifty days after he shall receive the tax list of his county, to collect the tax and make his returns, as are required of him by law.

With thee abov amendments your committee recommend the passage of the same.

Respectfully submitted,

JOHN FOSHER, Ch'n,
D. POWELL,
DAN'L STEELE.

Mr. Powell from committee on counties and county lines, submitted the following report:

MR. SPEAKER: Your committee to whom was referred C. B. No. 22, have had the same under consideration and would beg leave to report a substitute and recommend that it do pass.

D. POWELL, Ch'n.

Mr. Stone from judiciary committee submitted the following report:

MR. SPEAKER: Your committee on judiciary to whom was referred H. B. No. 88, entitled an act to amend section nine of the general laws, have had the same under consideration and beg

leave to report back the bill with a substitute, and recommend the passage of the substitute bill.

CHAS. F. HOLLY,
W. F. STONE,
W. M. SLAUGHTER,
C. G. HANSCOME,
J. B. CHAFFEE,
} Com. on Judiciary.

Mr. Hanscome, from special committee, submitted the following report:

MR. SPEAKER: The special committee, to whom H. B. No. 54, an act to incorporate the Cache-la-Poudre and Platte River Bridge Company, have had the same under consideration, and beg leave to report the following amendments:

In Sec. 4, and twelfth line, that "twenty-five" be stricken out, and "ten" inserted in place thereof.

Sec. 5, in fifth line, strike out "five" and insert "two."

Sec. 5, in eighth line, strike out "ranchman" and insert "ranchmen."

Sec. 5, in ninth line, after "bridge" add "or ferry."

Sec. 5, in tenth line, after "his" add "or their."

Sec. 5, in thirteenth line, after "bridge" add "or ferry."

Your committee would recommend that sections be added to said bill, as follows:

"SEC. 6. The said company shall commence the construction of said bridge within one year, and complete the same within two years from the passage of this act, and shall keep the same in good, safe and sufficient order and condition for use at all times, under penalty of a forfeiture of this charter, and the company shall be liable for all damages caused by the bad condition of said bridge."

"SEC. 7. The said company shall, before they receive or collect any toll upon said bridge, cause two boards to be painted in plain and distinct letters and figures, and placed in conspicuous places at each end of said bridge, the rates of toll as above set forth, and if the said company shall charge or collect of any person more than the above rates, they shall pay a fine not less than ten, nor more than twenty dollars, for each offense, to be collected in an action of debt."

All of which is respectfully submitted.

C. G. HANSCOME, Ch'n.

Mr. Kenyon, from committee of federal relations, submitted the following report:

MR. SPEAKER: Your committee, to whom was referred Joint Memorial No. 5, relating to the rebellion, beg to report that the resolutions are of such a nature that scarcely any

man in the Territory, much less a representative of the people, would decline to subscribe. Loyalty to the Constitution as it is, and the Union as it was, is so praiseworthy a sentiment that it has constituted, since the Republic first began, the peculiar characteristic of every great and good man whose name graces the pages of American history, and that sentiment has been studiously instilled by the good men of the past, so that it is almost an universal sentiment among the people; and even in the dark homes of rebellion it seems that the same sentiment prevails, only it is misguided, misdirected, and finds for its devotion only a false god. But your committee believe that resolutions, however meritorious in themselves, may be overdone—that the legislature and people may subside into resolutions of patriotism, and neglect the weightier matters of the law. A desperate war is now raging in our beloved country, between those once our brothers. Colorado and her people have long since taken the stand upon the side of the Union. Colorado has long since said to the mother of nations—the American Union—"Where thou goest I will go; thy God shall be my God, and thy people shall be my people."

The United States, to whom we owe our existence as a Territory, has called to this far distant child for her share of the family expenses. In other words, the portion of the direct war tax assessed against the Territory of Colorado is about twenty-two thousand nine hundred and one dollars. Other States have met this tax directly, and sent it home in gold bars, as an earnest and proof of the patriotism of her citizens. Let not Colorado content herself with a few patriotic resolutions addressed to the President, which probably serve every purpose designed by their author, when spread before the people in the papers, coupled with their own names, as we observe these have been already. Let her unite, and by her representatives shoulder her share of the family burden, and by the solid material aid furnished by her willing and patriotic sons, convince the American people, who are struggling with a powerful enemy, that although far distant from the scene of strife, our hearts are with them, and when Colorado is called for she will ever be found ready and willing to bear her share of the national burden.

Your committee would therefore most respectfully recommend that the further consideration of J. M. No. 5, be indefinitely postponed, and the following adopted as a substitute:

WHEREAS, The United States of America, now engaged in a fierce and deadly war with a powerful and fratricidal enemy, in which they have our heartfelt sympathy, have levied a direct war tax upon the Territory of Colorado, of an amount

of twenty-two thousand nine hundred and one dollars, to be laid upon the real estate of the Territory; and

WHEREAS, There being no real estate known to the law within the present limits of Colorado, and the tax thus levied against the Territory is in danger of being defeated and never collected; and

WHEREAS, The people of Colorado, ever loyal to the parent government, should at this time show that loyalty by contributing her share of the national taxation; therefore

Be it resolved by the Council and House of Representatives of Colorado Territory, 1st, That the Legislative Assembly hereby assumes for the Territory the said sum of twenty-two thousand nine hundred and one dollars, to be paid out of a special fund hereafter to be created. 2d, That three commissioners shall be appointed; one by the House and one by the Council, and the other by the Governor; whose duty it shall be to collect from the citizens of Colorado the said war tax, in such manner as shall be prescribed in an act hereafter to be enacted for that purpose. 3d, That it shall be the duty of said commissioners, as soon as the whole amount of said war tax shall be paid, to remit the same to the President of the United States.

Respectfully submitted,

JOS. KENYON.

Mr. Fosher asked for further time to make a majority report.

Granted.

Mr. Holly moved to lay the report upon the table until the majority report is received.

Ayes and noes called for.

Ayes—Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Noteware, Oakes, Powell, Scudder, Whittemore, Witter and Mr. Speaker—19.

Nay—Stone.

Ayes 19, nay 1.

So the motion prevailed.

Amendments proposed by the Council to bills from the House:

H. B. No. 31, a bill for an act fixing the time of the meeting of the Legislative Assembly,

Was read, with amendments proposed by the Council.

Mr. Noteware moved that the House do not concur.

Ayes and noes called for.

Ayes—Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Noteware, Oakes, Powell, Scudder, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—20.

Nay—Beach.

Ayes 20, nay 1.

So the motion prevailed, and the House did not concur.

Mr. Holly moved that a committee of conference be appointed.

Carried.

The Speaker appointed as such committee Messrs. Holly, Witter and Beach.

H. B. No. 15, a bill for an act granting the exclusive right to John Rogers and others to maintain a bridge across the Arkansas River at Rock Bluff Cañon,

Was read with amendments proposed by Council.

Mr. Chilcott moved that the House do not concur.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Harbour, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Stone, Wilhite and Mr. Speaker—19.

Noes—Hanscome, Hayes, Whittemore and Witter—4.

Ayes 19, noes 4.

So the motion prevailed.

H. B. No. 29, a bill for an act granting the exclusive right to the Pueblo Town Company, to maintain a ferry or bridge across the Arkansas river, at Pueblo,

Was read with amendments proposed by Council.

Mr. Chilcott moved that the house do not concur.

Carried.

Motions, resolutions and notices:

Mr. Noteware gave notice that he would on to-morrow or some subsequent day introduce

A bill for a charter for a ferry across the North Platte river on the Cherokee trail.

Mr. Scudder gave notice that he would on to-morrow or some subsequent day introduce

A bill to incorporate the Cold Spring Valley Road Company.

Mr. Hanscome gave notice that he would on to-morrow or some subsequent day introduce

A bill to incorporate the Gold Hill Tunnel Company.

Mr. Stone gave notice that on to-morrow or some subsequent day he would introduce

A bill for an act to attach certain mining districts to the county of Park, for County and Judicial purposes.

Also an act relating to the description of claims and lots, in bringing suits.

Also, an act relating to Judges of Probate.

Mr. Fosher offered the following resolution, and moved its adoption

Resolved, That the committee on counties and county lines be, and are hereby instructed to report a bill for an act amendatory of an act entitled "An act to define county boundaries, etc." Approved November 1st, 1861.

Adopted.

Mr. Hayes gave notice that he would on to-morrow or some subsequent day introduce

A bill for an act to repeal an act entitled "An act to locate the seat of government of Colorado Territory."

Introduction and first reading of bills:

Pursuant to previous notice, Mr. Holly introduced

H. B. No. 92, a bill for an act to amend an act entitled "An act to organize and establish the Treasury Department."

Pursuant to previous notice, Mr. Beach introduced

H. B. No. 93, a bill for an act to incorporate the South Platte and Fontaine qui Bouille Irrigating and Ditch Company.

Also

H. B. No. 94, a bill for an act requiring the fencing of crops within the limits of El Paso County.

Also

H. B. No. 95, a bill for an act concerning the occupation and improvement of farming claims.

Pusuant to previous notice, Mr, Powell introduced

H. B. No. 96, a bill for an act amendatory of an act entitled an act concerning pratice in chancery.

Pursuant to previous notice, Mr. Noteware introduced

H. B. No. 97, a bill for an act to provide for the support and maintenance of common schools.

All of which were read a first time by title.

Also

J. R. No. 3, from Council.

Second reading and reference of Council and House bills:

C. J. R. No. 3, referred to committee of federal relations.

H. B. No, 92, to amend an act organizing Treasury Department,

Referred to committee of ways and means.

H. B. No. 93, to incorporate South Platte and Fontaine qui Bouille Ditch Company,

Referred to committee of incorporations.

H. B. No. 94, requiring fencing of crops in El Paso county,

Referred to committee of agriculture.

H. B. No. 95, concerning the occupation and improvement of farming claims,

Referred to committee of agriculture.

H. B. No. 96, amendatory of act concerning practice in chancery,

Referred to committee of judiciary.

H. B. No. 97, to provide for the support and maintenance of common schools,

Referred to committee of education.

Consideration of bills reported back by committees:

H. B. No. 14, an act relating to counties and county officers having failed to organize,

Was read with amendments.

Mr. Fosher moved to order the bill to its final passage.

Carried.

C. B. No. 22, a bill for an act to amend an act relating to counties and county officers.

Original and substitute bills were both read, and were being considered, when

Mr. Chaffee moved that the House adjourn.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Gallejos, Garcia, Hanscome, Harbour, Hayes, Martine, Noteware, Oakes, Scudder, Stone, Wilhite and Mr. Speaker—15.

Noes—Chilcott, Fosher, Hamilton, Holly, Kenyon, Powell, Whittemore, Witter—8.

Ayes 15, noes 8.

So the motion prevailed and the House adjourned.

WEDNESDAY, August 6th.

House met at 9 o'clock, a. m. pursuant to adjournment.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Chaffee, Kenyon, and Steele.

Reading of the journal was dispensed with, and

Referred to committe of printing.

Presentation of petitions:

Mr. Stone presented two petitions from Albert Matthews and others, praying that Silver Lake, Pollock, and Hoosier Gulch be set off from Summit county and annexed to Park,

Which were read.

Mr. Chaffee appeared and took his seat.

Mr. Harbour moved that the petitions be referred to a special committtee consisting of the members from Park and Summit counties.

Carried.

Report of standing and select committees:

Mr. Whittemore, from select committee, submitted the following report:

MR. SPEAKER: Your committee to whom was referred House Bills Nos. 66 and 78, have had the same under consideration, and recommend the favorable consideration of House Bill No. 78 with the following amendments: In section 2, after the words "such certificate shall be," and before the word "acknowledged," insert the words "approved by the board of county commissioners." And in Sec. 9, 16, 21, 24, and 28, the word "approved," as noted on the margin.

O. A. WHITTEMORE,
C. G. HANSCOME,
JOHN FOSHER.

Motions, resolutions and notices:

Mr. Harbour gave notice that on to-morrow or some subsequent day he would introduce

A bill to amend an act entitled "An act to establish common schools."

Also,

A bill for an act to appoint three commissioners, to revise and codify the statutes of this Territory.

Also,

A bill to provide for the organization of mining districts and the pre-empting and holding of mining claims.

Introduction and first reading of bills:

Pursuant to previous notice Mr. Hayes introduced

H. B. No. 98, a bill for an act to repeal an act entitled "An act to locate the seat of government of Colorado Territory."

First reading of bills:

H. B. No. 98 was read a first time by title.

Second reading of bills:

H. B. No. 98, to repeal an act locating seat of government of Colorado Territory,

Was read a second time.

Mr. Chilcott moved to refer to a select committee of three.

Ayes and noes called for.

The interpreter, Mr. Dominguez, being absent, the Serg't-at-Arms was dispatched for him. Until his return further proceedings were dispensed with.

The Interpreter having appeared the vote was taken as follows:

Ayes—Barela, Beach, Chilcott, Gallejos, Garcia, Holly, Martino, Noteware, Powell, Stone, and Mr. Speaker—11.

Noes—Chaffee, Hamilton, Hanscome, Harbour, Hayes, Oakes, Scudder, Slaughter, Whittemore, Wilhite, Witter—11.

Ayes 11, noes 11.

So the motion did not prevail.

Mr. Witter moved that H. B. No. 98 be referred to the committee of Territorial affairs.

Carried.

Consideration of bills reported back by committees.

C. B. No. 22, a bill for an act to amend an act relating to counties and county officers,

Was read, and the consideration thereof resumed.

Mr. Witter moved that the original bill be ordered to a third reading.

Carried.

H. B. No. 88, a bill for an act amendatory of an act entitled "An act concerning Licenses," approved Nov. 6, 1861.

Mr. Witter moved that the substitute bill be adopted.

Carried.

Mr. Witter moved that the bill be ordered engrossed.

Carried.

C. B. No. 17, a bill for an act granting the exclusive right to Joseph B. Doyle to erect and maintain a bridge across the Arkansas river,

Was read.

Mr. Witter moved amendment proposed by committee be adopted.

Carried.

C. B. No. 17, ordered to a third reading in course.

H. B. No. 54, a bill for an act to incorporate the Cache la Poudre and Platte River Bridge Company,

Was read, with amendments.

Mr. Chaffee moved to strike out Sec. 5.

Mr. Harbour moved that the bill be laid upon the table.

Carried.

H. B. No. 85, a bill for an act to incorporate the Exchange and Rocky Mountain Insurance Company.

Mr. Oakes moved that H. B. No. 85, be referred to a select committee of three.

Carried.

Mr. Speaker appointed as such committee:

Messrs. Oakes, Chaffee, and Chilcott.

H. B. No. 66, a bill for an act for a general incorporation law, and

H. B. No. 78, a bill for an act to enable Road, Ditch, Manufacturing, and other Companies to become bodies corporate,

Were considered.

Mr. Chaffee moved that the bills be referred to a special committee, of which Mr. Harbour shall be chairman.

Carried.

The Speaker appointed

Messrs. Harbour, Chaffee and Hamilton, as such committee.

C. B. No. 13, a bill for an act to authorize the appointment of county commissioners, in special cases,

Was read.

Mr. Witter moved that Sec. 3 be stricken out.

Carried.

Mr. Hanscome moved to refer to select committee of three, along with H. B. No. 14.

Lost.

Mr. Hanscome offerred as an amendment to C. B. No. 13, the following as Sec. 3:

"In case of any vacancy now existing or that may hereafter occur in any county office, in any county in this Territory, by reason of death, resignation, removal, or otherwise, the county commissioners of said county shall have power to fill such vacancy by appointment, until an election can be held as provided by law."

Carried.

Mr. Witter moved that the bill be ordered to third reading.

Carried.

H. B. No. 51, a bill for an act defining where suits shall be commenced before Justices of the Peace,

Was read.

Mr. Noteware moved that Sec. 1 be stricken out.

Mr. Witter moved that the bill be referred to committee of judiciary.

Carried.

The following bill was read a first and second time by title:

H. B. No. 91, a bill for an act amendatory of an act entitled "An act concerning Justices of the Peace and Constables," and referred to the committee of judiciary.

Consideration of bills reported back, Resumed.

H. B. No. 65, a bill for an act to amend an act entitled "An act to provide for the collection of the revenue," approved Nov. 7, 1861,

Was read.

Mr. Whittemore moved that the printed copy of the bill be considered engrossed, and ordered to a third reading.

Carried.

H. B. No. 70, a bill for an act relative to the killing of game in certain seasons, within Colorado Territory,

Was read.

Mr. Willhite moved to strike out all of Sec. 2, after the word "aforesaid" in fifth line.

Mr. Harbour moved that the bill be indefinitely postponed.

Ayes and noes called for.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 6th, 1862.

MR. SPEAKER: I have the honor to inform the House of Representatives that the Council has appointed

Messrs. Mather, Willis, and Loveland, a committee of conference asked by the House on H. B. No. 31.

Also,

Messrs. Willis, Parker, and Graham, on H. B. Nos. 15 and 29, to confer with a like committee on the part of the House.

Very respectfully,

JOHN HOWARD,
Secretary of the Council.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, Aug. 6th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed C. B. No. 25, "An act amendatory of an act regulating elections," and the concurrence of your honorable body is respectfully asked.

Very respectfully,

JOHN HOWARD,
Sec'y of Council.

Mr. Noteware moved that the House adjourn till 2 o'clock, p. m.

Carried.

So the House adjourned.

AFTERNOON SESSION.

House met at 2 o'clock.

Speaker in the Chair.

Quorum present.

Consideration of bills reported back by committees:

H. B. No. 70 resumed.

The question being upon the indefinite postponement of the bill,

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Gallejos, Garcia, Hamilton, Harbour, Holly, Martine, Oakes, Powell, Slaughter and Witter—13.

Noes—Chaffee, Fosher, Hanscome, Hayes, Noteware, Scudder, Stone, Whittemore, Wilhite and Mr. Speaker—10.

Ayes 13, noes 10.

So the motion prevailed,

And the bill was indefinitely postponed.

H. B. No. 72, a bill for an act authorizing the dismissal of causes in vacation,

Was read,

And on motion,

The printed copy was considered the engrossed copy, and ordered to a third reading.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, Aug. 6th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed C. J. R. No. 4, and the concurrence of your honorable body is respectfully asked therein.

Very respectfully, JNO. HOWARD,
Secretary of the Council.

H. B. No. 79, a bill for an act amendatory of an act entitled "An act regulating elections,"

Was read.

Mr. Holly moved to refer to judiciary committee.

Carried.

Third reading and final passage of bills:

H. B. No. 14, a bill for an act relating to counties and county officers, having failed to organize,

Was read.

Vote on final passage of the bill:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Noteware, Oakes, Powell, Slaughter, Stone, Whittemore and Witter—20.

Noes—Scudder, Wilhite and Mr. Speaker—3.

Ayes 20, noes 3.

Mr. Holly moved that the vote by which H. B. No. 14 passed, be reconsidered.

Ayes and noes called for.

Ayes—Barela, Beach, Fosher, Hamilton, Hanscome, Harbour, Holly, Oakes, Scudder, Stone, Whittemore, Wilhite and Mr. Speaker—13.

Noes—Chaffee, Chilcott, Gallejos, Garcia, Hayes, Martine, Noteware, Powell, Slaughter and Witter—10.

Ayes 13, noes 10.

So the vote was reconsidered.

The question being, Shall the bill pass?

Ayes and noes called for.

Ayes—Barela, Chaffee, Chilcott, Gallejos, Garcia, Harbour, Martine, Powell and Witter—9.

Noes—Beach, Fosher, Hamilton, Hanscome, Hayes, Holly, Noteware, Oakes, Scudder, Slaughter, Stone, Whittemore, Wilhite and Mr. Speaker—14.

Ayes 9, noes 14. So the bill did not pass.

C. B. No. 13, a bill for an act to authorize the appointment of county commissioners in special cases,

Was read.

Mr. Chaffee moved that the bill be referred to the judiciary committee.

Carried.

H. B. No. 65, a bill for an act to amend an act entitled "An act to provide for the collection of the revenue,"

Was read.

Vote on final passage of the bill:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Noteware, Powell, Scudder, Slaughter, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—22.

Ayes 22, noes none.

So the bill passed and title was agreed to.

H. B. No. 72, a bill for an act authorizing the dismissal of causes in vacation,

Was read.

Vote on final passage of the bill:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Noteware, Powell, Scudder, Slaughter, Stone, Whittemore, Wilhite and Mr. Speaker—21.

Ayes 21, noes none.

So the bill passed and title was agreed to.

H. B. No. 60, a bill for an act to prevent the introduction of stock, belonging to non-residents, into Boulder county for grazing and other purposes,

Was read.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 6th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed C. B. No. 23, an act authorizing the county commissioners to increase the revenue of Park county, and the concurrence of the House is respectfully asked.

Very respectfully, JNO. HOWARD,
Secretary of the Council.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 6th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed C. B. No. 4, a bill for an act in relation to the foreclosure of mortgages, and the concurrence of the House is respectfully asked.

Very respectfully, JNO. HOWARD,
Secretary of the Council.

H. B. No. 60.

Vote on final passage of bill:

Ayes—Barela, Beach, Chilcott, Garcia, Hamilton, Holly, Oakes, Powell, Stone, Wilhite and Mr. Speaker—11.

Noes—Chaffee, Fosher, Gallejos, Hanscome, Harbour, Hayes, Martine, Noteware, Scudder, Slaughter, Whittemore and Witter—12.

Ayes 11, noes 12.

So the bill did not pass.

Mr. Slaughter moved to reconsider the vote by which H. B. No. 60 was rejected.

Mr. Witter moved to lay the motion on the table.

Ayes and noes called for.

Ayes—Chaffee, Fosher, Garcia, Hanscome, Harbour, Hayes, Martine, Noteware, Scudder, Whittemore, Wilhite and Witter—12.

Noes—Barela, Beach, Chilcott, Gallejos, Hamilton, Holly, Oakes, Powell, Slaughter, Stone and Mr. Speaker—11.

Ayes 12, noes 11.

So the motion prevailed.

Third reading of Council bills:

C. B. No. 22, a bill for an act relating to counties and county officers,

Was read.

Vote on final passage of the bill:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—23.

Ayes 23, noes none.

So the bill passed and title agreed to.

C. B. No. 17, a bill for an act granting the exclusive right to Joseph B. Doyle to erect and maintain a bridge across the Arkansas River,

Was read.

Vote on final passage of the bill:

Ayes—Barela, Beach, Chaffee, Coilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Stone and Witter —19.

Ayes 19, noes 4.

Noes—Harbour, Whittemore, Wilhite and Mr. Speaker—4.

So the bill passed and the title was agreed to.

Special order of the day being

H. B. No. 73, defining and regulating the practice and proceeds in courts of justice and for other purposes,

Mr. Holly moved that the consideration of the special order be postponed until to-morrow at 10 o'clock, a. m.

Carried.

Mr. Whittemore, from committee on engrossment, submitted the following report:

Mr. Speaker: Your committee on engrossment report H. B. Nos. 56 and 77, and J. M. No. 1 as correctly engrossed.

O. A. WHITTEMORE, Ch'n.

Mr. Fosher from committee of federal relations submitted the following:

Mr. Speaker: The undersigned, a majority of the committee on federal relations, to whom J. M, No. 5, was referred, beg leave to report as follows:

These joint resolutions were placed in the hands of your committee and by them considered, and as we supposed the report to be made, would recommend their favorable consideration, but were taken by surprise when the chairman presented us a few minutes before he made his report with a paper recommending their indefinite-postponement, in which we decline to join, but had to ask time to make a contrary report, having had no notice of the intention of our chairman. We agree with him that the character of the resolutions will be approved by the great mass of the people of our Territory, for which reason he seems to infer that they ought not to be adopted, but which impel us to a different conclusion for it is a proud satisfaction in expressing our own sentiments to reflect that we are at the same time reflecting the opinions of our constituency.

The Republic is engaged in a life and death struggle with its deadly foes. A new phase of the rebellion has occurred. Disaster has met the Federal arms. Traitors and their sympathizers are rejoicing everywhere. The government has again appealed to the loyalty of the people, asking for their sympathy and a large additional force of volunteers. At this juncture shall we alone be silent? Shall we not consider pa-

triotic resolutions, such as are being considered all over the country? At this emergency shall we merely refer to what was said and published the year before? The chairman seems to infer that the Legislative expression of last year should answer for all emergencies and for all time to come. Thousands of our fellow-countrymen are now languishing in rebel prisons, and should not we express our sympathy with them, or should we not invoke the intervention of government to return them to their homes and their country, which by their suffering and endurance they have made illustrious. Since the adoption of the resolutions of the last session, our people have sent to the field of honor and death hundreds of their bravest sons. They have out-marched and out-fought any enemy which have dared to oppose them. They have recovered our sister Territory from the grasp of the invader, they have vindicated the fame of the Federal flag, they have saved the honor of our Territory. Shall not we declare to the Federal Government that Colorado will again respond to the call for volunteers with alacrity and efficiency as before?

The minority recommends that the resolutions be substituted by others assuming the direct war tax levied on this Territory for war purposes. We utterly dissent from this recommendation. The minority ought to have known that there is no provision of law for such an assumption. This tax was levied without our agency, and is collected by its own terms, without our agency. The time allowed to States for its consummation and assumption is past. If it is intended to collect $22,000, or any other amount, from this people, there is only one way to do it, and that is by taxation; and even were it raised and donated to the general government, it would not materially relieve us from the direct tax, but be an addition to it.

We therefore see no necessity for indefinite postponement of the joint resolutions; but would ask the favorable consideration of this House, and recommend their passage.

Respectfully submitted, JOHN FOSHER,
EDWIN SCUDDER.

Mr. Wilhite gave notice that he would on to-morrow, or some subsequent day introduce

A bill amendatory of an act entitled "An act to incorporte the Camp Weld and Denver Ditch and Water Company.

Mr. Holly gave notice that on to-morrow or some subsequent day he would introduce

A bill for a memorial for a grant of land to the University of Colorado.

Mr. Hamilton gave notice that he would on to-morrow or some subsequent day introduce

A bill for an act to amend an act entitled "An act concerning evidence and depositions."

Also,

A bill for an act to amend an act entitled "An act concerning forcible entries and unlawful detainer."

Also,

A bill for an act to amend an act entitled "An act concerning Justices of the Peace and Constables."

Also,

A bill for an act to amend an act entitled "An act concerning criminal jurisprudence."

Also,

An act to incorporate the Idahoe and Missouri City Wagon Road Company.

Also,

An act to incorporate the Golden City Water Company.

Also,

An act to incorporate Golden City Town Company.

Introduction of bills, etc.

Pursuant to previous notice, Mr. Hayes introduced

H. B. No. 99, a bill for an act to change the name of Gilpin county to that of Gregory.

Pursuant to previous notice, Mr. Scudder introduced

H. B. No. 100, a bill for an act to incorporate the Cold Spring Valley Road Company.

Mr. Noteware gave notice that he would on to-morrow or some subsequent day introduce

A bill to incorporate the Hoosier Ditch Company.

Mr. Oakes gave notice that he would on to-morrow or some subsequent day, introduce

A bill for an act to incorporate the Snowy Range Ditch Company.

Reports of committees, etc.

Mr. Stone, from judiciary committee, submitted the following report:

MR. SPEAKER: Your committee to whom was referred H. B. No. 90, for an act to divide the Territory into Judicial Districts, and to provide for the time of holding terms therein, beg leave to report the same back to the House with some additional sections and amendments thereto, and recommend its passage as reported.

CHAS. F. HOLLY, Ch'n,
WILBUR F. STONE,
WM. M. SLAUGHTER,
C. G. HANSCOME.

Pursuant to previous notice Mr. Stone introduced

H. B. No. 101, a bill for an act attaching certain mining districts to the county of Park.

Also,

H. B. No. 102, a bill for an act to incorporate the Beaver Creek Mining Company.

Mr. Powell gave notice that he would on to-morrow or some subsequent day, introduce

A bill defining the boundaries of Costilla county.

Mr. Speaker appointed committee of conference upon H. B Nos. 15 and 29,

Messrs. Chilcott, Powell and Beach.

Mr. Noteware moved that the House adjourn.

Carried.

So the House adjourned.

THURSDAY, AUGUST 7th.

House met at 9 o'clock, a. m., pursuant to adjournment.

Speaker in the Chair.

Prayer by the Chaplain.

Roll called,

Absent—Harbour, Holly, Kenyon, Martine, Noteware, Steele, and Witter.

Reading of the journal was dispensed with and referred to committee on printing.

Report of standing committees:

Mr. Scudder, from committee on ways and means reported back H. B. No. 50, a bill for an act to authorize the collection of taxes in certain contingencies without recommendation.

Mr. Slaughter from the committee on Territorial affairs submitted the following report upon H. B. No. 98, to repeal act locating seat of government.

MR. SPEAKER: Your committee to whom was referred H. B. No. 98, have had the same under consideration and would report the same back to the house without amendment, and recommend its passage.

WM. M. SLAUGHTER, Ch'n,
JOS. KENYON.

Mr. Gallejos being the minority of committeee on Territorial affairs, submitted the following report:

MR. SPEAKER: The undersigned minority of the committee on Territorial affairs to whom was referred H. B. No. 98, to repeal the act locating the seat of government, beg leave to report against the passage of said act for the following reasons, to wit:

1. To repeal the act locating the seat of government, without at the same time locating it, would leave the Territory without any seat of government at all.

2. There is no present appropriation for public buildings, and no present necessity for exciting the question of removal at this time.

3. This session is nearly closed and no general law of importance has yet passed. Time is not left yet to perfect necessary legislation which this question would retard.

4. The people have not demanded the agitation of this exciting Capitol question during this session; not a single petition from any quarter being presented therefor.

5. The Capitol is already located near the geographical center of the Territory, and in the opinion of the minority of your committee is in the right place.

For these and many other reasons the undersigned recommends that said bill be indefinitely postponed.

Respectfully submitted,
FRANCISCO GALLEJOS.

Mr. Oakes, chairman of the committee of agriculture, submitted the following report:

MR. SPEAKER: Your committee on agriculture have had H. B. No. 95, under consideration, and beg leave to report the same back without amendment and recommend its passage.

Also, have had H. B. No. 94 under consideration, and report the same back with the following additional section:

SEC. 3. A lawful fence shall be construed to mean a post and bound fence with posts set firmly eight feet apart and at least four boards, one inch thick and six inches wide, nailed with eight penny nails, and with intervening spaces, not wider than five inches, or in lieu thereof a rail fence four and one-half feet high.

D. C. OAKES, Ch'n,
G. M. CHILCOTT.

Mr. Whittemore, Chairman of the committee on engrossment, reported as follows:

MR. SPEAKER: Your committee on engrossment report H. B. Nos. 19, 68, 69 and 88, correctly engrossed.

O. A. WHITTEMORE, Ch'n.

Messrs. Harbour, Holly, Martine, Noteware, and Witter appeared and took their seats.

First reading of House bills:

H.B.No. 99, to change the name of Gilpin county to Gregory.

H. B. No. 100, to incorporate the Cold Spring Valley Road Company.

H. B. No. 101, to attach certain mining districts to the county of Park.

H. B. No. 102, to incorporate the Beaver Creek Mining Company.

Introduction and first reading of House and Council bills:

Pursuant to previous notice, Mr. Oakes introduced

H. B. No. 103, a bill for an act to incorporate the Snowy Range Ditch Company.

Pursuant to previous notice Mr. Willhite introduced

H. B. No. 104, a bill for an act to amend an act entitled "An act to incorporate the Camp Weld and Denver Ditch Company."

C. B. No. 4, a bill for an act in relation to the foreclosure of mortgages.

C. B. No. 23, a bill for an act authorizing the commissioners of Park county to increase the revenue of Park county.

C. B. No. 25, a bill for an act amendatory of an act regulating elections.

C. J. R. No. 4, relating to the Colorado Volunteers.

Pursuant to previous notice Mr. Hamilton introduced

H. B. No. 105, a bill for an act to incorporate the Golden City Water Company.

Also

H. B. No. 106, a bill for an act to incorporate the Idaho and Missouri City Wagon Road Company.

Also,

H. B. No. 107, a bill for an act to amend an act entitled "An act concerning Justices of the Peace and Constables."

Also,

H. B. No. 108, a bill for an act to amend an act entitled "An act concerning Forcible Entries and unlawful Detainers."

Also,

H. B. No. 109, a bill for an act to amend an act entitled "An act concerning Evidence and Depositions."

Also,

H. B. No. 110, a bill for an act to amend an act entitled "An act concerning Criminal Jurisprudence."

Second reading of Council Bills:

C. B. No. 4, a bill for an act in relation to the foreclosure of mortgages,

Referred to committee of Judiciary.

C. B. No. 23, a bill for an act authorizing the County Commissioners of Park county to increase the revenue of Park county,

Referred to committee of Ways and Means.

C. B. No. 25, a bill for an act amendatory of an act regulating elections,

Referred to committee of Elections.

C. J. R. No. 4, relating to the Colorado Volunteers,

Referred to committee of the Whole.

Second reading and reference of House Bills.

H. B. No. 90, to change the name of Gilpin county,

Referred to committee of Counties and County Lines.

H. B. No. 100, to incorporate the Cold Spring Valley Road Company,

Referred to committee of Incorporations.

H. B. No. 101, attaching certain mining disrticts to the county of Park,

Referred to a special committee consisting of the members from Summit and Park counties.

H. B. No. 102, to incorporate the Beaver Creek Mining Company,

Referred to committee of Mines and Minerals.

H. B. No. 103, to incorporate the Snowy Range Ditch Company,

Referred to committee of Incorporations.

H. B. No. 104, a bill for an act to amend an act entitled "An act to incorporate the Camp Weld and Denver Ditch and Water Company,"

Referred to committee of Incorporations.

H. B. No. 105, to incorporate the Golden City Water Company,

H. B. No. 106, to incorporate the Idaho and Missouri City Wagon Road Company,

Both referred to committee of Incorporations.

H. B. No. 107, to amend an act concerning Justices of the Peace and Constables,

H. B. No. 108, to amend an act concerning Forcible Entry and Detainer,

H. B. No. 109, to amend an act concerning Evidence and Depositions,

H. B. No. 110, to amend an act concerning Criminal Jurisprudence,

Which were referred to the committee of Judiciary.

Consideration of bills reported back by committees.

H. J. M. No. 5, relating to rebellion.

Mr. Chaffee moved to lay the memorial upon the table.

Carried.

H. B. No. 90, to district the Territory for Judicial purposes and fixing times of holding Courts,

Was referred to committee of the Whole.

H. B. No. 98, to repeal an act locating the seat of government of Colorado Territory,

Was read.

Mr. Beach moved the adoption of the minority report.

Ayes and noes called for.

Ayes—Barela, Beach, Chicott, Fosher, Gallejos, Garcia, Holly, Martine, Powell, Stone, and Mr. Speaker—11.

Noes—Chaffee, Hamilton, Hanscome, Harbour, Hayes, Noteware, Oakes, Scudder, Whittemore, Wilhite and Witter —11.

Ayes 11, noes 11.

So the motion was lost.

Mr. Hayes moved a call of the House.

Carried.

Roll called.

Absent—Messrs. Kenyon and Steele.

Mr. Chilcott moved that further proceedings under the call of the House be dispensed with.

Carried.

Mr. Chaffee moved that both reports be laid on the table.

Carried.

Hr. Holly moved that

H. J. No. 5

Be taken from the table.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Holly, Martine, Oakes, Powell and Scudder—11.

Noes—Chaffee, Hamilton, Hanscome, Harbour, Hayes, Noteware, Slaughter, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—12.

Ayes 11, noes 12.

So the motion was lost.

H. B. No. 94, requiring fencing of crops in El Paso county,

Was read.

Mr. Chilcott moved that the amendments recommended by committee be adopted.

Carried.

Mr. Chilcott moved that

H. B. No. 94

Be ordered engrossed for a third reading.

Carried.

H. B. No. 95, concerning the occupation and improvement of farming claims,

Was read.

Mr. Chilcott moved that the bill be considered engrossed and ordered to a third reading.

Carried.

Third reading and passage of bills:

J. M. No. 1, to have the laws printed in Spanish.

Vote upon the final passage of the bill:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—23.

Ayes 23, noes none.

So the memorial passed and title was agreed to.

H. B. No. 88, an act amendatory of an act entitled "An act concerning license."

Vote on final passage of bill:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Hamilton, Hanscome, Hayes, Holly, Noteware, Oakes, Powell, Scudder, Stone, Whittemore, Wilhite and Witter—17.

Noes—Gallejos, Garcia, Harbour, Martine, Slaughter and Mr. Speaker—6.

Ayes 17, noes 6.

So the bill passed and the title was agreed to.

H. B. No. 19, an act to secure a homestead.

Vote on final passage of bill:

Ayes—Barela, Beach, Chilcott, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Stone and Wilhite—17.

Noes—Chaffee, Fosher, Hayes, Whittemore, Witter and Mr. Speaker—6.

Ayes 17, noes 6.

So the bill passed and title was agreed to.

H. B. No. 95, an act concerning the occupation and improvement of farming claims.

Vote on final passage of bill:

Ayes—Beach, Chaffee, Chilcott, Fosher, Hamilton, Hanscome, Harbour, Oakes, Scudder, Slaughter, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—15.

Noes—Barela, Gallejos, Garcia, Hayes, Holly, Martine, Noteware and Powell—8.

Ayes 15, noes 8.

So the bill passed and title agreed to.

H. B. No. 56, an act to incorporate the Platte Cañon and Deer Creek Ditch Company,

Was read.

Mr. Witter moved to refer to a special committee, with instructions to strike out the word "exclusive."

Mr. Slaughter moved to lay the motion on the table. Lost.

The original motion was then carried,

And the Speaker appointed as such committee, Messrs. Witter, Harbour and Wilhite.

The hour having come for the special order of the day, to-wit:

H. B. No. 73, for a code,

Mr. Holly offered the following resolution, and moved its adoption:

Resolved, That the special order for this day be postponed until this afternoon at 2 o'clock, and that the public printer be requested to furnish the House with the bill for a code, with so much thereof as may be printed.

Adopted.

H. B. No. 77, an act to incorporate the Clear Creek Wagon Road Company,

Was read.

Vote on the final passage:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Stone, Whittemore and Wilhite—20.

Noes—Harbour, Witter and Mr. Speaker—3.

Ayes 20, noes 3.

So the bill passed and title agreed to.

H. B. No. 68, a bill for an act to incorporate the Hamilton Flume and Tunnel Company,

Was read.

Mr. Holly moved the adoption of the following as an additional section:

"That said company shall at all times be compelled to furnish water at the rates prescribed by their charter, when they have water on hand unsold.

Mr. Fosher moved to recommit the bill to a special committee.

Carried.

The Speaker appointed as committee, Messrs. Fosher, Witter and Whittemore.

H. B. No. 69, a bill for an act to incorporate the Colorado Town Company,

Was taken up.

Mr. Noteware moved that the bill be considered read.

Carried.

Vote on the final passage:

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Holly, Martine, Noteware, Oakes, Powell, Stone, Wilhite and Witter—16.

Noes—Chaffee, Harbour, Hayes, Slaughter, Whittemore and Mr. Speaker—6.

Ayes 16, noes 6.

So the bill passed and title agreed to.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, Aug. 6th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has receded from their amendments to H. B. Nos. 15 and 29, and the bills are herewith returned to the House.

Very respectfully, JNO. HOWARD,
Secretary of the Council.

Reports of committees:

Mr. Beach introduced H. B. No. 111, a bill for an act to apportion the Territory of Colorado into Council and Representative Districts, from a majority of the committee of elections and apportionment.

Mr. Chaffee, from same committee, introduced substitute for H. B. No. 111, and the following report:

MR. SPEAKER: The undersigned, a minority of committee on elections and apportionment, would beg leave to make the following report:

It appears, according to the statements of individuals in nearly all the districts (now counties) of the Territory, that the census taken last year was very incomplete and incorrect, but it seems to the undersigned that the votes of last August and December prove the census to be fair and nearly correct. It appears by the census that at that time there were about twenty-five thousand inhabitants, and by the August election about 9,500 voters, which would according to the usual average of voters according to population, that is, one to seven, prove the population of the Territory to be nearly seventy thousand inhabitants. But considering the fact that our population is nearly all males, the undersigned thinks the census returns taken with the number of votes cast at both elections, is the only proper basis from which to make the apportionment. It is impossible to report a bill upon the verbal statements of persons, as they seem to differ so materially that each one is dissatisfied with the statements of the others, and no satisfactory conclusions could be arrived at. The undersigned would very respectfully represent that he has endeavored to investigate this subject fairly, taking into consideration the census returns and the vote of August and December last, and has arrived at the conclusion that the bill herein re-

ported as a substitute is just and right, and that the only possible way to arrive at an approximation of justice in this appointment is to take the census returns and vote of the Territory as a basis. In this substitute bill the undersigned has also taken into consideration the transient character of a large portion of the population, as, for instance, Gilpin county polled in the December election about 2,400 votes, which would entitle that county, according to the basis as above, to three and a half and seven members respectively, while Lake county cast about 300 votes, and would therefore scarcely be entitled to one. But, as is known to the undersigned, the business of Gilpin county is not so much decreased in the winter months as that of Lake and other counties. The bill fixes Gilpin county at three and five members respectively, and for similar reasons other changes have been made from the exact vote.

In view of these and other facts which seem apparent, the undersigned would respectfully recommend the adoption of the substitute bill.

J. B. CHAFFEE.

Mr. Stone, from the judiciary committee, submitted the following reports:

MR. SPEAKER: The undersigned, a majority of your committee on judiciary, to whom was referred H. B. No. 87, prescribing a form of oath to be taken in certain cases, beg leave to report that they have had the same under consideration, and recommend the indefinite postponement of the bill, and the passage of the accompanying bill submitted as a substitute.

Respectfully,

WILBUR F. STONE,
WM. M. SLAUGHTER,
C. G. HANSCOME.

MR. SPEAKER: The undersigned, a majority of your committee on judiciary, to whom was referred H. B. No. 79, prescribing a form of oath to be administered to challenged voters, beg leave to report the following amendments thereto, to wit: In the third, fourth and fifth lines of the first section, strike out the words "either directly or indirectly" and the words "by word or act," and also in the twelfth, thirteenth and fourteenth lines of the second section, strike out the like words "either directly or indirectly" and the words "by word or act," and recommend the passage of the bill as amended.

Respectfully,

WILBUR F. STONE,
WM. M. SLAUGHTER,
C. G. HANSCOME.

Mr. Holly reported back as minority of committee of judiciary, H. B. No. 87. and recommended its passage.

Mr. Slaughter moved that the original

H. B. No. 87, substitute bill, and the reports,

Be indefinitely postponed.

Mr. Chaffee moved that the whole matter be laid upon the table.

Ayes and noes called for.

Ayes—Barela, Chaffee, Hamilton, Harbour, Hayes, Oakes, Scudder, Slaughter, Stone, Whittemore and Mr. Speaker—11.

Noes—Beach, Chilcott, Fosher, Gallejos, Garcia, Hanscome, Holly, Martine, Noteware, Powell, Wilhite and Witter —12.

Ayes 11, noes 12.

So the motion was lost.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 7th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed the following bills, without amendment:

H. B. No. 49, an act to incorporate the Ute Pass Wagon Road Company.

Also,

H. B. No. 63, an act relating to fencing.

Also,

H. B. No. 57, an act to incorporate a free cemetery in Conejos county.

Also,

H. B. No. 74, a bill for an act amendatory of an act entitled "An act to create a lien in favor of ranchmen and others."

Also,

H. B. No. 39, an act amendatory of an act entitled "An act regulating elections," approved Nov. 6th, 1861.

Very respectfully,

JOHN HOWARD,
Secretary of the Council.

The question recurring upon the motion to indefinitely postpone,

Mr. Holly moved to amend by indefinitely postponing H. B. No. No. 79 in place of H. B. No. 87.

Mr. Harbour moved that the House adjourn until two o'clock, p. m.

Ayes and noes called for.

Ayes—Barela, Chaffee, Gallejos, Garcia, Hamilton, Harbour, Hayes, Martine, Slaughter, Wilhite, Witter and Mr. Speaker—12.

Noes—Beach, Fosher, Hanscome, Holly, Noteware, Oakes, Powell, Scudder, Stone and Whittemore—10.

Ayes 12, noes 10.

So the House adjourned.

AFTERNOON SESSION.

House met at 2 o'clock, pursuant to adjournment.

Chief Clerk in the Chair.

Mr. Beach moved a call of the House.

Carried.

Roll called.

During the call the Speaker appeared and took the chair.

Absent—Messrs. Kenyon and Steele.

Mr. Beach moved that further proceedings under the call be dispensed with.

Carried.

Special order for 2 o'clock, H. B. No. 73.

Mr. Holly moved to postpone one hour.

Mr. Chaffee moved to postpone one week.

Ayes—Chaffee, Fosher, Garcia, Hayes, Whittemore, and Mr. Speaker—6.

Noes—Barela, Beach, Chilcott, Gallejos, Hamilton, Hanscome, Harbour, Holly, Martine, Noteware, Oakes, Powell, Scudder, Stone, Wilhite, and Witter—17.

Ayes 6, noes 17.

So the amendment was lost.

The question recurring upon the original motion to postpone one hour.

Carried.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, Aug. 7th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed the following bills without amendment:

H. B. No. 4, a bill for "An act to amend an act to incorporate the Bear Cañon Road Company," approved Nov. 7th, 1861.

Also,

H. B. No. 38, "An act amendatory of an act to incorporate the Enterprise Wagon Road Company."

Also,

H. B. No. 10, "An act to incorporate the Vasquez River Irrigating and Hydraulic Company."

Also,

H. B. No. 64, "An act to incorporate the Eldorado Ditch Company."

Also,

The accompanying substitute for Joint Memorial of the House. No. 2.

Also,

H. B. No. 59, an act to legalize the assessment of Summit County, with the following amendment:

In Sec. 2, 1st line, add "a period of thirty days from and after the passage of this act."

Also,

C. B. No. 19, an act "to amend an act entitled an act providing for the collection of the revenue," and the concurrence of your honorable body is respectfully asked.

Very respectfully,

JOHN HOWARD,
Sec'y of Council.

Consideration of H. B. Nos. 87 and 79, resumed.

Mr. Holly withdrew his amendment.

The question then recurring upon the indefinite postponement of H. B. No. 87, substitute and report.

Ayes and noes called for.

Ayes—Barela, Fosher, Hamilton, Hanscome, Harbour, Hayes, Slaughter, Stone, Whittemore, Wilhite, Witter, and Mr. Speaker—12.

Noes—Beach, Chaffee, Chilcott, Gallejos, Garcia, Holly, Martine, Noteware, Oakes, Powell and Scudder—11.

Ayes 12, noes 11.

So the motion prevailed.

And H. B. No. 87 was indefinitely postponed

Mr. Witter, from special committee, reported as follows:

MR. SPEAKER: Your committee, to whom was referred H. B. No. 56, beg leave to report the same back with the following amendment, and recommend its passage:

In Section two, strike out the word "exclusive," and to strike out Sec. 4, and insert a new section, with this additional paragraph:

"Said company may be entitled to the use of one-eighth of the water in the Platte River."

All of which is respectfully submitted.

D. WITTER, Ch'n.

Mr. Holly moved that H. B. No. 79 be indefinitely postponed.

The ayes and noes were called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Gallejos, Garcia, Hamilton, Harbour, Holly, Martine, Oakes, Powell, Slaughter, Wilhite, and Mr. Speaker—15.

Noes—Fosher, Hanscome, Hayes, Noteware, Scudder, Stone, Whittemore and Witter—8.

Ayes 15, noes 8.

So the motion prevailed, and the bill was indefinitely postponed.

Reports of committees, etc.

Mr. Fosher, from select committee submitted the following report:

MR. SPEAKER Your special committee to whom was referred H. B. No, 68, have had the same under consideration and recommend the following additional section:

SEC.—That said company shall at all times be compelled to furnish all unsold water in their ditch to miners and mills at the following rates, to-wit: fifty cents per inch for day water, and twenty cents per inch for second and night water, to be measured with a five inch head.

With the above addition your committee recommend the passage of the bill. Respectfully submitted,

JOHN FOSHER,
DANIEL WITTER,
R. R. HARBOUR.

Mr. Hanscome, from judiciary committee submitted the following report:

MR. SPEAKER: The judiciary committee to whom was referred the H. B. No. 96, an act to amend an act concerning chancery practice, have had the same under consideration, and would recommend that the same be indefinitely postponed.

All of which is most respectfully,

C. G. HANSCOME,
WILBUR F. STONE,
WM. M. SLAUGHTER,
CHAS. F. HOLLY.

Also the following:

The judiciary committee to whom was referred joint resolution No. 3, have had the same under consideration, and beg leave to report, and recommend that Sec. 1 be amended by inserting after "one thousand dollars" the following words:

"And the right or power to hear, try and determine the right and title to, and in lode-mining, quartz, gulch, mill and tunnel claims," and when so amended, would recommend that the resolution be adopted.

C. G. HANSCOME,
WM. M. SLAUGHTER,
CHAS. F. HOLLY,
WILBUR F. STONE.

Mr. Holly reported back H. B. No. 86, an act to amend an act incorporating Colorado and Pacific Wagon, Telegraph and Railroad Company, with a substitute, and recommend that the substitute do pass.

Mr. Slaughter gave notice that on to-morrow or some subsequent day he would introduce,

A bill for an act defining what shall constitute a lawful fence in this Territory.

Also,

A bill for an act for the relief of county assessors.

Petition was received and read from citizens of Gilpin county, praying for the removal of Charles Lee Armour, and

Referred to committee to whom resolutions were referred.

Report from superintendent of common schools received, and read as follows:

To the Honorable, the Legislative Assembly of Colorado Territory:

MR. SPEAKER: In compliance with section six, of the school law, I briefly, yet respectfully report.

The organization of the "Common School System" has, as yet, been but partially effected and the duties of the office of Territorial Superintendents have been hardly entered upon.

Among the obvious causes for the delay in such organization, I will mention:

1. The brief time that has elapsed since the enactment and distribution of the school law, has prevented its provisions becoming generally known.

2. The changing and unsettled character of the population of many of our counties, has hitherto been adverse to educational interests.

3. The present want of any school fund.

Believing these causes to be transitory, I have thought it advisable to defer entering upon the active duties of my office, and the incurring of any expense incidental thereto, until such time as such duties can be intelligently and advantageously discharged, and such expense judiciously incurred.

Upon careful examination, I think our school law will be found a good one, and well adapted to promote the object of

education in the Territory, and that when its provisions shall become grnerally known, it will be favorably regarded.

Liberal provision has been made for school revenue. The "Act providing for the collection of the revenue," authorizes the raising of not less than one-half mill nor more than two and one-half mills to the dollar, on the assessed value of all taxable property in each county, for the support of schools.

Sec. 65 of the school law, authorizes the raising of not less than three nor more than five mills on the dollar, for the same purpose, while Sec. 71, of the same law appropriates the clear proceeds of all fines, etc., to the school fund.

Evidently our school law is prospective in many of the provisions.

Sec. 75 very justly exempts all districts, communities and counties from its requirements, when in the opinion of the people residing in such localities, it is not expedient to establish common schools. Provided they shall vote at the annual election against raising any school tax. Yet in all counties where such action is not taken, Sec. 65, of the law makes it the duty of the county superintendent to levy a school tax, and the duty of the county collector to collect the same in every organized county.

In view of these liberal provisions of the law for a school fund at no distant day in the future, and of the fact that counties heretofore transiently and sparsely occupied, are fast becoming permanently and thickly settled, I can but believe that flourishing schools will soon be established throughout the Territory.

And in the absence of any change in the law, it is my intention to visit most of our populous counties at an early day, and to urge upon and aid the people thereof in establishing public schools the coming autumn.

As the law does not require any report to be made by the county superintendents before the 1st day of December next, I am in possession of no statistics regarding the present condition of the schools of the Territory, worthy of note.

I trust the amount recommended by the Territorial Auditor for the current and contingent expenses of this department will be promptly appropriated by your body.

I fully concur with the views and recommendations of the Governor in his message in regard to a permanent school revenue, and in addition to the means recommended by his Excellency, I would suggest the propriety of your body recommending to Congress the passage of a law reserving and donating certain townships of the public land of this Territory, in lieu of the sections now reserved and provided as school lands. Also a law authorizing the director or superintendent of the

mint, when established in our Territory, to retain a certain per centage of all moneys coined at the same, to be set apart for the benefit of common schools.

All of which I respectfully submit.

W. J. CURTICE,
Sup't Common Schools, Col. Territory.

Pursuant to previous notice, Mr. Holly introduced

H. J. M. No. 7, a bill for a memorial for a grant of land to the University of Colorado.

Mr. Scudder from the committee of Ways and Means, reported back

C. B. No. 23, an act authorizing the County Commissioners of Park county to increase the revenue of Park County, with a substitute, and recommend that the substitute do pass.

Mr. Chaffee moved that the House go into committee of the whole upon the special order of the day.

Lost.

Special order of the day.

H. B. No. 73, a bill for an act defining and regulating the practice and proceedings in courts of justice, and for other purposes,

Was read a first and second time by title.

Mr. Chaffee moved that the House go into committee of the whole, upon the special order of the day.

Ayes and noes called for.

Ayes—Barela, Chaffee, Harbour, Hayes, Martine, Whittemore, Wilhite, and Mr. Speaker—8.

Noes—Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Holly, Noteware, Oakes, Powell, Scudder, Slaughter, Stone and Witter—15.

Ayes 8, noes 15.

So the motion did not prevail.

Pursuant to previous notice, Mr. Noteware introduced

H. B. No. 112, a bill for an act to incorporate the Hoosier Ditch Company.

Mr. Noteware moved that H. B. No. 112, a bill for an act to incorporate the Hoosier Ditch Company, be read a first and second time.

Ayes and noes called for.

Ayes—Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Holly, Martine, Noteware, Oakes, Powell, Slaughter, and Stone—15.

Noes—Barela, Harbour, Hayes, Scudder, Whittemore, Wilhite, Witter, and Mr. Speaker—8.

Ayes 15, noes 8.

So the motion prevailed.

H. B. No. 112, was then read a first and second time by title,

And was referred to the committee of incorporations.

Special order of the day.

H. B. No. 73 was taken up.

Mr. Holly moved that the report of majority of the judiciary committee be adopted.

Mr. Fosher moved to amend by adopting the minority of the committee.

Mr. Chaffee moved a call of the House before the vote was taken.

Carried.

Roll called.

Absent—Messrs. Kenyon and Steele.

Mr. Chaffee moved that further proceedings under the call be dispensed with.

Carried.

Mr. Gallejos gave notice that on to-morrow or some subsequent day, he would introduce

A bill providing that the laws of this Territory shall not be enforced in Conejos and Costillo counties, until the said laws be printed in Spanish.

Mr. Hamilton moved that the house adjourn.

Ayes and noes called for.

Ayes—Barela, Beach, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Martine, Powell, Scudder, Stone, Willhite, Witter and Mr. Speaker—15.

Noes—Chaffee, Chilcott, Fosher, Holly, Noteware, Oakes, Slaughter, and Whittemore—8.

Ayes 15, noes 8.

So the motion prevailed, and the House adjourned.

THURSDAY, August 8th, 1862.

House met at 9 o'clock A. M.

Speaker in the chair.

Prayer by the Chaplain.

Roll called.

Absent—Chilcott, Hanscome, Kenyon, Noteware, Steele, and Willhite.

Reading of journal dispensed with and referred to committee of printing.

Messrs. Steele and Chilcott appeared and took their seats.

Reports of committees:

Mr. Chilcott, chairman of committee of incorporations, reported as follows:

MR. SPEAKER—Your committee on incorporations have had H. B. No. 93, under consideration and beg leave to report the same back with the following amendment: In section 7, fifth line, insert "three dollars per acre per annum for each and every acre irrigated by such water." In sixth line of said section, add "one dollar per square inch per annum for all undershot and turbine wheels," and "three dollars per square inch per annum for all overshot wheels", and with the foregoing amendments and recommend its passage.

Also, have examined H. B. Nos. 103 and 106, and beg leave to report the same back without amendment and recommend their passage. G. M. CHILCOTT, Ch'n.

Report received.

Messrs. Wilhite and Kenyon appeared and took their seats.

Mr. Fosher, Chairman of committee on roads and bridges, submitted the following:

MR. SPEAKER—The committee on roads and bridges to whom was referred H. B. Nos. 71 and 82, beg leave to report that they have had the same under consideration and cannot recommend that the Territory should at present be subjected to the great expense of surveying and locating a large number of Territrial roads, whilst probably in most cases the route of roads said would not be changed from the present traveled road. Your committee consider that a general law making certain specefied roads as at present traveled Territorial roads, and providing for their re-location, in case it may be found desireable, would be better adapted to the present wants of the Trritory.

Your Committee beg leave to report such a bill herewith, and to recommend its adoption in the place of the two bills above mentioned. JOHN FOSHER, Ch'n.
DANIEL WITTER,
EDWIN SCUDDER,

Report received.

Mr. Noteware appeared and took his seat.

Mr. Beach, chairman of committee of elections and apportionment, submitted the following report:

MR. SPEAKER—Your Committee on elections, to whom was referred C. B. No. 25, respectfully beg leave to report that

they have had the same under consideration, and report the same back to the House and recommend its passage.

M. S. BEACH, Ch'n.
C. F. HOLLY,
J. B. CHAFFEE,
F. GALLEJOS.

Report received.

Mr. Stone from committee of engrossed bills, reported

H. B. No. 94, an act requiring the fencing of crops within the limits of El Paso county, as correctly engrossed.

Report received.

Mr. Hanscome appeared and took his seat.

Amendments proposed by the Council to bills from the House.

H. B. No. 59, a bill for an act to legalize the assessment of Summit county,

With amendments proposed by Council.

Was read.

Mr. Whittemore moved to concur.

Carried.

H. J. M. No. 2, to the P. M. General for increased mail facilities to the southern mines,

Was read.

Together with substitute bill proposed by the Council.

Mr Witter moved that the substitute be rejected and the House do not concur.

Carried.

Introduction and first reading of bills:

Pursuant to previous notice, Mr. Gallejos introduced

H. B. No. 113, a bill for an act which provides that the laws of theTerritory shall not be enforced in Conejos and Costilla counties, until said laws be printed in Spanish.

Pursuant to previous notice, Mr. Stone introduced

H. B. No. 114, a bill for an act relating to pleadings in certain actions.

Pursuant to previous notice, Mr. Witter introduced

H. B. No. 115, a bill for an act to regulate and establish the rates of charges for publication of legal documents.

Pursuant to previous notice, Mr. Slaughter introduced

H. B. No. 116, an act for the relief of county assessors.

Pursuant to previous notice, Mr. Powell introduced

H. B. No. 117, a bill for an act to incorporate the Cañon City Town Company.

Second reading and reference of bills:

H. J. M. No. 7, a bill for a grant of land to the Territorial University.

Referred to committee on education.

H. B. No. 111, a bill for an act to apportion the Territory of Colorado.

Referred to special committee of Messrs. Chilcott, Harbour and Stone.

H. B. No. 113, a billl for an act which provides that the laws in the Territory shall not be enforced in Conejos and Costilla counties until printed in Spanish.

Referred to commitee on territorial affairs.

H. B. No. 114, a bill for an act regulating pleadings in certain actions.

Referred to committee on judiciary.

H. B. No. 115, a bill for an act to regulate and establish the rates of charges for publication of legal documents.

Referred to committee on printing.

H. B. No. 116, a bill for an act for the relief of county assessors.

Referred to committee on territorial affairs.

H. B. No. 117, a bill for an act to incorporate the Cañon City Town Company.

Referred to committee on incorporations.

H. B. No. 118, an act fixing the apportionment for Council and House of Representatives.

Referred to special committee of Messrs. Chilcott, Harbour and Stone.

C. B. No. 19, a bill for an act to amend an act entitled "An act providing for the collection of the revenue."

Referred to committee on ways and means.

Consideration of bills reported back by committees:

C. B. No. 23, a bill for an act authorizing the County Commissioners of Park county to increase the revenue of Park county,

Was read.

Also,

Substitute proposed by committee.

Mr. Holly moved that the substitute bill be adopted.

Carried.

Mr. Holly moved that the bill be ordered engrossed for a third reading.

Carried.

H. J. M. No. 3, memoralizing Congress to amend Organic Act so as to extend the jurisdiction of Probate and Justices Courts,

Was read,

With amendments proposed by committee.

Mr Hanscome moved that the amendments proposed by committee be adopted.

Carried.

Mr. Holly moved that J. M. No. 3, be ordered engrossed for third reading.

Carried.

H. B. No. 56, an act to incorporate the Platte Cañon and Deer Creek Water, Ditch and Milling Company,

Was read.

Mr. Witter moved that the amendments proposed by committee be adopted.

Carried.

Mr. Witter moved that H. B. No. 56 be considered engrossed for a third reading.

Carried.

H. B. No. 96, amendatory of an act concerning practice in chancery,

Was read,

And, on motion,

The report of the committee on judiciary was adopted,

And the bill was indefinitely postponed.

H. B. No. 68, to incorporate Hamilton Flume and Tunnel company

Was read.

On motion of Mr. Witter, the amendments proposed by committee were adopted.

On motion, the bill was ordered engrossed for a third reading.

H. B. No. 86, to amend an act incorporating Colorado and Pacific Wagon, Telegraph, and Railroad Company, with substitute bill,

Was read.

Mr. Witter moved to adopt substitute bill.

Mr. Holly moved to amend, to refer to committee of the whole.

Carried.

C. B. No. 25, an act amendatory of an act regulating elections,

Was read.

Mr. Chaffee moved to refer to the committee of the whole.

Ayes and noes called for.

Ayes—Barela, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Kenyon, Martine, Oakes, Powell, Scudder, Steele, Stone, Whittemore, Witter and Mr. Speaker—20.

Noes—Beach, Holly, Noteware and Slaughter—4.

Ayes 20, noes 4.

So the motion prevailed.

Mr. Wilhite, chairman of committee on enrollment submitted the following report:

MR. SPEAKER: Committee on enrollment report the following bills correctly enrolled:

H. B. No. 57, to incorporate a free cemetery in Conejos county.

H. B. No. 64, incorporating El Dorado Ditch Company.

H. B. No. 29, granting right to Pueblo Town Company, to maintain a Ferry or Bridge Company.

H. B. No. 39, regulating elections.

H. B. No. 4, relating to Bear Cañon Road Company.

H. B. No. 63, relating to fencing.

H. B. No. 38, relating to Enterprise Wagon Road.

H. B. No. 74, relating to lien in favor of ranchmen and others.

H. B. No. 15, granting right to Rogers and others to maintain a bridge across the Arkansas river.

H. B. No. 49, relating to Ute Pass Wagon Road Company.

All of which is respectfully submitted,

Aug. 8th, 1862. E. S. WILHITE, Ch'n.

Report received.

H. B. No. 93, a bill for an act to incorporate the South Platte and Fontaine Qui Bouille Irrigating and Ditch Company,

Was read with amendments.

Mr. Witter moved the following amendment as a new section:

Sec. 12. That said Ditch Company shall not take water out of the said Platte river at any time when it may be needed for irrigating purposes on the said Platte river below where the said ditch is taken out.

Ayes and noes called for.

Ayes—Beach, Chaffee, Hamilton, Hanscome, Harbour, Holly, Kenyon, Noteware, Powell, Slaughter, Steele, Whittemore, Wilhite, Witter and Mr. Speaker—15.

Noes—Barela, Chilcott, Fosher, Gallejos, Garcia, Hayes, Martine and Oakes—8.

Ayes 15, noes 8.

So the amendment was adopted.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 8th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed C. B. No. 21, an act to amend an act concerning license, and the concurrence of the House is respectfully asked.

JOHN HOWARD,
Secretary of the Council.

Mr. Chaffee offered the following as an additional section to H. B. No. 93:

Sec. 13. The company shall sell water to any person who may want water for the purposes mentioned in the charter, whenever they have water in the ditch unsold.

Carried.

Mr. Beach moved that the amendments proposed by committee be adopted.

Carried.

Mr. Harbour offered the following:

That nothing in this act shall be so construed as to prevent any future session of the Legislature from reducing the price of water as stipulated for in said bill.

Ayes and noes called for.

Ayes—Chaffee, Hanscome, Harbour, Scudder, Steele, Whittemore and Wilhite—7.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Stone and Mr. Speaker—17.

Ayes 7, noes 17.

So the amendment was proposed.

Rejected.

Mr. Harbour offered the following:

That said company shall receive such compensation for furnishing water as may be provided for by the county court of the county in which said ditch is situated.

Ayes and noes called for.

Ayes—Chaffee, Harbour, Whittemore, and Wilhite—4.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Witter and Mr. Speaker—20.

Ayes 4, noes 20.

So the amendment was lost.

Mr. Slaughter moved that the bill be ordered engrossed.

Carried.

H. B. No. 103, a bill for an act to incorporate the Snowy Range Ditch Company,

Was read.

Mr. Chaffee moved to strike out the last clause of Sec. 5.

Carried.

Mr. Holly moved that the bill be considered engrossed for a third reading.

Carried.

H. B. No. 106, an act to incorporate the Idahoe and Missouri City Wagon Road Company,

Was read.

Mr. Chaffee moved the adoption of the following as an additional section,

Sec. 6. The County Commissioners of Gilpin and Clear Creek counties, or any one of them, shall be authorized to examine said road at any time, and if they or any one of them deem the road in bad condition, they or he shall give the owners thereof a written notice of the part so conditioned; when if not repaired within thirty days or a reasonable time, the charter shall be deemed to be null and of no effect, and no person held liable to pay toll thereon.

Adopted.

Mr. Hamilton moved that the bill be ordered engrossed for a third reading.

Carried.

Mr. Witter moved that the House adjourn until 2 o'clock.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Martine, Oakes, Scudder, Steele, Whittemore, Wilhite, Witter and Mr. Speaker—17.

Noes—Chilcott, Fosher, Holly, Kenyon, Noteware, Powell and Slaughter—7.

Ayes 17, noes 7.

So the House adjourned.

AFTERNOON SESSION.

House met at 2 o'clock pursuant to adjournment.

Speaker in the chair.

Quorum present.

Consideration of bills reported back by committees;

H. B. No. 71, a bill for an act to establish a Territorial road from Denver City to Pueblo, and

H. B. No. 82, a bill for an act locating a Territorial road from Fort Lyon to Buckskin Joe, and

Substitute reported by committee,

Were read.

Mr. Chaffee moved that the substitute be adopted,

Carried.

Mr. Chilcott moved that the consideration of substitute bill be postponed until to-morrow at 10 o'clock, a. m.

Carried.

Mr. Hamilton moved to suspend the rules, and take from the table

H. B. No. 54, a bill for an act to incorporate Cache le Poudre and Platte River Bridge Company.

Carried.

Mr. Kenyon moved the adoption of the report of committee.
Carried.
Mr. Kenyon moved that the bill be ordered engrossed for a third reading.
Carried.
Third reading of bills:
H. B. No. 94, a bill for an act requiring the fencing of crops within the limits of El Paso county,
Was read.
Vote on the final passage:
Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Stone, Whittemore, and Witter—19.
Noes—Chaffee, Hayes, Kenyon, Steele Mr. Speaker—5.
Ayes 19, noes 5.
So the bill passed and title agreed to.
H. B. No. 56, a bill for an act to incorporate the Platte Canon and Deer Creek Water Ditch and Milling Company,
Was read.
Mr. Chaffee offered the following as an additional section:
Sec. 7. The said corporation shall sell water to any person applying for the same for the purposes mentioned in this charter, whenever they have water in their ditch unsold.
Carried.
Vote on the final passage:
Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, and Witter—22.
Noes—Harbour, and Mr. Speaker—2.
Ayes 22, noes 2.
So the bill passed and title agreed to.
H. B. No. 103, a bill for an act to incorporate the Snowy Range Ditch Company,
Was read.
Mr. Chaffee offered the following amendment:
To strike out all after "Boulder county," in Sec. 2.
Ayes and noes called for.
Ayes—Barela, Chaffee, Fosher, Gallejos, Garcia, Hamilton, Harbour, Hayes, Martine, and Mr. Speaker—10.
Noes—Beach, Chilcott, Hanscome, Holly, Kenyon, Noteware, Oakes, Powell, Scudder, Steele, Stone, Whittemore and Wilhite—13.
Ayes 10, noes 13.
So the amendment was lost.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, COL. TER.,
DENVER, Aug. 8th, 1862.

To the Hon. Speaker of the House of Representatives:

SIR: I have this day approved and signed acts entitled:

An act to incorporate the Ute Pass Wagon Road Company.

An act to incorporate the Eldorado Ditch Company,

An act to incorporate a free cemetery in Conejos county.

An act granting the exclusive right to the Pueblo Town Company, to maintain a ferry or bridge across the Arkansas river at Pueblo.

An act to amend an act to incorporate the Bear Cañon Road Company, approved Nov. 7th, 1861.

An act amendatory of an act to incorporate the Enterprise Wagon Road Company.

An act granting the exclusive right to John Rogers and others to maintain a bridge across the Arkansas at Rock Bluff Cañon.

Respectfully,
JOHN EVANS, Governor.

EXECUTIVE DEPARTMENT, COL. TER.
DENVER, August 8th, 1862.

To the Hon. the Speaker of the House of Representatives:

SIR: I have this day approved and signed acts entitled:

An act amendatory of an act entitled "An act to create a lien in favor of ranchmen and others."

An act amendatory of an act entitled "An act regulating Elections," approved Nov. 6th, 1861.

An act relating to fencing.

Respectfully,
JOHN EVANS, Governor.

Vote on final passage of H. B. No. 103, a bill for an act to incorporate the Snowy Range Ditch Company.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite—18.

Noes—Chaffee, Hanscome, Harbour, Hayes, Martine, Mr. Speaker—6.

Ayes 18, noes 6.

So the bill passed and title agreed to.

Unfinished business of preceding day.

The question of adopting the minority report of the judiciary committee upon H. B. No. 73, a bill for an act defining

and regulating the practice and proceedings in courts of justice, and for other purposes,

Being in order,

Ayes and noes called for.

Ayes—Chaffee, Fosher, Garcia, Kenyon, Steele, Whittemore, Wilhite and Mr. Speaker—8.

Noes—Barela, Beach, Chilcott, Gallejos, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Stone, Witter—17.

Ayes 8, noes 17.

So the motion did not prevail,

And the minority report was rejected.

The question recurring upon the motion to adopt the majority report of committee of judiciary upon H. B. No. 73,

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Gallejos, Hamilton, Hanscome, Harbour, Holly, Noteware, Oakes, Powell, Scudder, Slaughter, Stone, Wilhite—15.

Noes—Chaffee, Fosher, Garcia, Hayes, Kenyon, Martine, Steele, Whittemore, Witter and Mr. Speaker—10.

Ayes 15, noes 10.

So the motion prevailed,

And the majority report was adopted.

Mr. Holly moved that the bill be considered engrossed, and ordered to a third reading.

Mr. Fosher moved that the House go into committee of the whole upon H. B. No. 73.

After some discussion Mr. Holly moved that Mr. Hanscome be allowed to proceed with his remarks.

Ayes and noes called for.

Ayes—Barela, Chaffee, Chilcott, Gallejos, Hamilton, Harbour, Holly, Martine, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—17.

Noes—Beach, Fosher, Garcia, Hayes, Kenyon, and Noteware—6.

Ayes 17, noes 6.

So the motion prevailed.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, Aug. 8th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed H. B. No. 26, a bill for an act to amend the act concerning jurors.

Also,

H. B. No. 18, an act to confirm and legalize certain acts of the people prior to the organization of Colorado, with the fol-

lowing amendment: by adding the words "or Kansas courts" after the words "people's clubs" in the 3d and 4th lines from top of Sec. 1.

Also,

C. B. No. 29, a bill for an act to enable the proprietors of the Overland Stage Line to erect and maintain bridges and ferries across certain streams for the use of said line for the safe conveyance of mails and treasure, and passengers.

Also,

C. B. No. 15, an act to repeal an act entitled "An act to organize the militia," approved Oct. 18th, 1861.

Also,

C. J. R. No. 5.

And the concurrence of your honorable body is respectfully asked.

Very respectfully,

JOHN HOWARD,
Sec'y of Council.

The question being upon the House going into committee of the whole upon H. B. No. 72.

Ayes and noes called for.

Ayes—Barela, Chaffee, Fosher, Harbour, Kenyon, Steele, Whittemore, Wilhite and Mr. Speaker—9.

Noes—Beach, Chilcott, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Martine, Noteware, Powell, Scudder, Slaughter, Stone and Witter—15.

Ayes 9, noes 15.

So the motion did not prevail, and

The House refused to go into committee of the whole.

The question recurring upon the original motion to consider the bill engrossed.

Ayes and noes called for.

Ayes—Barela, Chilcott, Gallejos, Hamilton, Hanscome, Holly, Martine, Noteware, Powell, Scudder, Slaughter and Witter—12.

Noes—Beach, Chaffee, Fosher, Gracia, Hayes, Kenyon, Steele, Stone, Whittemore, Crocker and Mr. Speaker pro tem.—11.

Ayes 12, noes 11.

So the motion prevailed and the bill was considered engrossed.

Mr. Fosher entered the following protest:

The undersigned does hereby protest against the proceedings had with reference to H. B. No. 73, known as the "Code," in this House.

JOHN FOSHER.

Mr. Holly gave notice that he would on to-morrow or some subsequent day, introduce a bill for an act to enable citizens of this Territory, in the military service of the United States, to vote.

Mr. Witter moved that the House go into committee of the whole.

Ayes and noes called for.

Ayes—Beach, Chilcott, Fosher, Gallejos, Garcia, Harbour, Holly, Kenyon, Martine, Noteware, Powell, Scudder, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—18.

Noes—Barela, Chaffee, Hanscome, Hayes and Slaughter —5.

Ayes 18, noes 5.

So the motion prevailed, and

The House resolved itself into committee of the whole.

Mr. Harbour in the chair.

The committee of the whole House rose, and

Speaker took the chair.

Mr. Harbour, chairman, reported as follows:

MR. SPEAKER:—The committee of the whole have had under consideration, H. B. No. 80, a bill for an act making appropriations for the fiscal year, 1862.

Also H. B. No. 83, a bill for an act amendatory to an act entitled "An act creating a lien in favor of mechanics, in certain cases."

Also, H. B. No. 84, an act relative to Notaries Public.

Also, C. J. R. No. 4, relating to Colorado Volunteers, and recommend that the bills do pass without amendment.

Respectfully submitted,
R. R. HARBOUR, Ch'n.

Mr. Whittemore gave notice that on to-morrow or some subsequent day, he would introduce a bill relating to school claims.

Reports of committees etc.:

Committee on territorial affairs reported as follows:

MR. SPEAKER:—Your committee on territorial affairs to whom was referred H. B. No. 113, a bill for an act which provides that the laws of the Territory shall not be enforced in the counties of Conejos and Costilla until said laws are printed in Spanish, have had the same under consideration, and would report the same back without amendment and recommend its passage.

Also, your committee have had under consideration H. B. No. 116, a bill for an act for the relief of county assessors,

and would report the same back without amendment and recommend its passage.

W. M. SLAUGHTER, Ch'n,
JOS. KENYON,
F. GALLEJOS.

Report received.

Introduction of bills etc.

Pursuant to previous notice, Mr Slaughter introduced

H. B, No. 119, a bill for an act to define what shall constitute a lawful fence.

Pursuant to previous notice, Mr. Stone introduced

H. B. No. 120, a bill for an act to amend an act entitled "An act relative to Notaries Public."

Also,

H. B. No 121, a bill for an act relating to Probate Courts and Judges of Probate.

Mr. Stone, from committee of mines and minerals, submitted the following report:

MR. SPEAKER:—Your committee on mines and minerals, to whom was referred H. B. No. 102, a bill to incorporate the Beaver Creek Mining Company, beg leave to report back said bill and recommend its passage.

W. F. STONE,
J. H. NOTEWARE,
J. W. HAMILTON,
C. G. HANSCOME,
H. B. HAYES.

Mr. Kenyon, from committee of federal relations submitted the following report:

MR. SPEAKER: Your committee to whom was referred J. M. No. 6, for a J. M. to the P. M. General, beg leave to report that they have had the same under consideration, and would recommend its passage.

JOS. KENYON,
JNO. FOSHER,
EDWIN SCUDDER.

Report received.

Mr. Powell, from committee on counties and county lines, submitted the following report:

MR. SPEAKER: Your committee to whom was referred H. B. No. 99, have had the same under consideration, and would

beg leave to offer a substitute and recommend that it do pass.

L. POWELL,
H. B. HAYES,
J. W. HAMILTON,
E. S. WILHITE.

Report received.

Pursuant to previous notice Mr. Hanscome introduced H. B. No. 122, a bill for an act to incorporate the Gold Hill Tunnel Company.

Pursuant to previous notice Mr. Hanscome introduced H. B. No. 123, a bill to incorporate the Rocky Mountain Railroad.

Mr. Harbour moved the adoption of the following resolution:

Resolved, That no new bill shall be introduced after Tuesday next, without unanimous consent.

Ayes and noes called for.

Ayes—Barela, Hanscome, Harbour, Hayes, Kenyon, Martine, Powell, Steele, Whittemore and Mr. Speaker—11.

Noes—Beach, Chilcott, Gallejos, Garcia, Hamilton, Holly, Noteware, Oakes, Slaughter, Wilhite and Witter—11.

Ayes 11, noes 11.

So the resolution was not adopted.

Mr. Witter, from committee of printing submitted the following report:

MR. SPEAKER: The committee on printing, to whom was refered H. B. No. 115, beg leave to report the same back and recommend its passage.

D. WITTER, Ch'n.

Report received.

Mr. Holly moved that the House adjourn till to-morow at 8 o'clock a. m.

Mr. Slaughter moved to amend to meet at half-past 7 o'clock this evening.

Lost.

Mr. Slaughter moved that the House adjourn.

Ayes and noes called for.

Ayes—Barela, Beach Gallejos, Garcia, Hamilton, Harbour, Hayes, Kenyon, Martine, Oakes, Slaughter, Steele, Stone, Witter and Mr. Speaker—15.

Noes—Chilcott, Hanscome, Holly, Noteware, Powell, Whittemore and Wilhite—7.

Ayes 15, noes 7.

So the motion prevailed, and

The House adjourned till to-morrow at 9 o'clock, a. m.

FRIDAY, AUGUST 9th, 1862.

House met at 9 o'clock, a. m., pursuant to adjournment.

Speaker in the Chair.

Prayer by the Chaplain.

Roll of the House called.

Absent—Barela, Gallejos, Garcia, Kenyon, Noteware, Slaughter, Steele, Stone and Whittemore.

Mr. Beach moved a call of the House.

Carried.

Roll called.

Absent—Barela, Gallejos, Garcia, Kenyon, Noteware, Slaughter, Steele and Whittemore.

Sergeant-at-Arms was dispatched for the absentees.

Mr. Chilcott moved that further proceedings under the call be dispensed with.

Lost.

Mr. Chilcott again moved that further proceedings under the call be dispensed with.

Carried.

Reading of the Journal dispensed with, and

Referred to committee of Printing.

Presentation of petitions:

Mr. Hanscome presented petition of citizens of Gilpin county, in behalf of Charles Lee Armour,

Which was read and referred to special committee, to whom was referred resolutions.

Mr. Scudder presented petition from citizens of Gilpin county, praying for the removal of Charles Lee Armour,

Which was read and referred as before.

Mr. Holly presented petition from citizens of Gilpin county, praying for removal of Charles Lee Armour,

Which was read, and referred to same committee.

Mr. Hamilton presented petition from citizens of Gilpin county, praying for removal of Charles Lee Armour,

Which was read and referred to same committee.

Mr. Scudder presented petition in favor of Oliver Graves and Daniel Moore, receiving charter for Cold Spring Valley Road,

Which was read and referred to the special committee of Gilpin, Jefferson and Clear Creek members of the House and committee of incorporations.

Mr. Harbour presented petition from miners of Russell's Gulch and vicinity, and from miners of Central City, and vi-

cinity, praying for the reduction of the price of water sold by Consolidated Ditch Company,

Which was read, and

On motion of Mr. Chaffee,

Were referred to committee of Judiciary.

Reports of committees:

Mr. Whittemore from committee of engrossment, submitted the following report:

MR. SPEAKER: Your committee on engrossment report H. B. Nos. 23 and 93 and H. J. M. No. 3, as correctly engrossed.

O. A. WHITTEMORE, Ch'n.

Mr. Whittemore from committee of education submitted the following report:

MR. SPEAKER: The committee on education, to whom was referred H. B. No. 97, "A bill for an act to provide for the support and maintenance of Common Schools," present the following report:

The bill provides for one-half of the receipts from fines and licenses to be paid into the respective County Treasuries, to be applied to the support of Common Schools, in the county where received.

The Statutes, page 164, Sec. 71, provides for "the clear proceeds of all fines collected within the several counties of this Territory for breaches of the penal laws," to be paid over in cash "by the person collecting the same, to the County Superintendent of the county in which the same have accrued."

Revenue bills are now before the House, providing for additional county revenues, showing that the ordinary revenues of the county, including the amount received from licenses, (a part of which this bill proposes to divert,) are insufficient for the expenses of counties.

Another bill before the house fixes a penalty for violations of the license laws, which, if it becomes a law and is enforced, will, in the opinion of your committee, increase both county and school revenue.

Your committee thinking the revenues of the counties as now provided none too large, with the entire proceeds of licenses, and believing that additional school revenues can be had by carrying out the recommendation of His Excellency, the Governor, by setting apart one or more lode claims, for school purposes, on all lodes hereafter to be discovered, report the bill back to the House, and for the reasons given, recommend that it be indefinitely postponed.

The committee have also considered H. J. M. No. 7, memorializing Congress for a township of land and $10,000 for the benefit of the University of Colorado.

The act establishing the University of Colorado provides for the creation of a fund for the support and maintenance of said University.

In view of the fact that no fund has been thus created, and the land which might be appropriated as asked for by this memorial could not be made available, for the creation of this fund, at present; and at this juncture of national affairs, deeming it unwise and unpatriotic to ask for appropriations of money, which, if granted, cannot be of any advantage to this Territory at present; nor to the Federal Government, recommend that the portion of the memorial relating to the money appropriation be striken out.

O. A. WHITTEMORE,
D. C. OAKES,
JESUS M. BARELA.

Report received.

Mr. Wilhite from committee of enrollment submitted the following report:

MR. SPEAKER: Your committee on enrollment respectfully submit the following bills correctly enrolled:

H. B. No. 26, amending an act concerning jurors.

H. B. No. 59, an act legalizing assessment of Summit county.

H. B. No. 10, an act incorporating the Vasquez River Irrigating and Hydraulic Company.

All of which is respectfully submitted.

E. S. WILHITE, Ch'n.

Report received.

Mr. Harbour, from special committee submitted the following report:

MR. SPEAKER: The special committee, to whom was referred H. B. No. 66, a bill for an act to provide for a general incorporation law, have had the same under consideration, and respectfully report the same back to the House and recommend its passage.

R. R. HARBOUR,
J. B. CHAFFEE,
J. W. HAMILTON.

Amendments proposed by the Council to bills from the House.

H. B. No. 18, a bill for an act to confirm and legalize certain acts of the people prior to the organization of Colorado Territory,

Was read with amendments.

Mr. Holly moved to concur.

Carried.

Mr. Holly moved that H. J. M. No. 5, relating to the rebellion, be taken up and placed upon the file in regular course.

Carried.

Mr. Holly moved the adoption of the following resolution:

Resolved, That during the remainder of this session the time of meeting of this House, when no other time is named, shall be at 8 o'clock, a. m.

Mr. Slaughter moved to lay the motion on the table.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Fosher, Garcia, Hamilton, Martine, Oakes, Slaughter, Whittemore, Witter and Mr. Speaker—12.

Noes—Chilcott, Gallejos, Hanscome, Harbour, Hayes, Holly, Kenyon, Noteware, Powell, Scudder, Steele, Stone and Wilhite—13.

Ayes 12, noes 13.

So the motion was lost.

The question recurring upon the adoption of Mr. Holly's resolution,

Ayes and noes called for.

Ayes—Barela, Beach, Fosher, Garcia, Hanscome, Harbour, Holly, Martine, Noteware, Oakes, Powell, Scudder, Stone, Wilhite—14.

Noes—Chaffee, Chilcott, Gallejos, Hamilton, Hayes, Kenyon, Slaughter, Steele, Whittemore, Witter and Mr. Speaker—11.

Ayes 14, noes 11.

So the motion was lost, requiring a two-thirds vote.

Mr. Fosher introduced the following:

Resolved, That the divorce cases now in the hands of the committee of this House be and the same are hereby thrown out, and the clerk is authorized to strike the same from the Calendar.

Mr. Holly moved to lay the resolution upon the table.

Ayes and noes called for.

Ayes—Beach, Chilcott, Holly, Powell, Stone and Wilhite—6.

Noes—Barela, Chaffee, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Kenyon, Martine, Noteware, Oakes, Scudder, Slaughter, Steele, Whittemore, Witter and Mr. Speaker—19.

Ayes 6, noes 19.

So the motion did not prevail.

The resolution was declared out of order by the Speaker.

Mr. Chaffee moved to instruct the committee of divorce to report immediately.

Mr. Holly moved to amend by reporting as early as convenient.

Mr. Slaughter moved to lay the amendment upon the table.

Carried.

So the whole matter was laid upon the table.

Mr. Kenyon introduced

H. J. R. No. 8, relating to the Union Pacific Railroad and Telegraph Company,

Which was read.

Mr. Holly moved that the rules be suspended, and the J. R. be read 1st, 2d and 3d times.

Carried.

Read 1st, 2d and 3d times, and

Put upon its final passage.

Vote on final passage.

Ayes—Barela, Beach, Chaffee, Chilcott, Foshor, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—25.

Ayes 25, noes none.

So the bill passed and title agreed to.

Special order of the day:

Mr. Powell moved that

H. B. No. 82, a bill for an act establishing and regulating territorial roads,

Be referred to the members of the House from Douglas, El Paso, Pueblo and Fremont counties.

Mr. Whittemore moved to amend, by referring to committee of the whole.

Carried.

Question recurring upon the motion as amended,

It was carried.

Introduction of bills:

Pursuant to previous notice, Mr Whittemore introduced

H. B. No. 124, a bill for an act concerning school claims.

Pursuant to previous notice, Mr. Holly introduced

H. B. No. 125, a bill for an act to enable citizens of this Territory in the military service of the United States, to vote.

Pursuant to previous notice, Mr. Holly introduced

H. B. No. 126, a bill for an act to incorporate the Cañon City and Colorado Wagon Road Company.

First reading of bills:

C. J. R. No. 5, relating to roads and bridges.

C. B. No. 15, to repeal act organizing militia.

C. B. No. 21, to amend act concerning license.

B. B. No. 29, to grant right to Overland Stage Line to erect bridges and ferries.

H. B. No. 119, a bill to define what shall constitute a lawful fence.

H. B. No. 120, a bill to amend an act relative to Notaries Public.

H. B. No. 121, a bill relating to Probate Courts and Judges of Probate.

H. B. No. 122, a bill to incorporate Gold Hill Tunnel Company.

H. B. No. 123, a bill to incorporate the Rocky Mountain Railroad.

H. B. No. 124, a bill concerning school claims.

H. B. No. 125, a bill to enable citizens of this Territory in the military service of the United States to vote.

H. B. No. 126, a bill for an act to incorporate the Canon City and Colorado Wagon Road Company.

Second reading of Council bills:

C. J. R. No. 5, a bill relating to fords and bridges,

On motion of Mr. Chaffee, was

Referred to committee of the whole.

C. B. No. 15, a bill to repeal act organizing the militia,

Referred to committee on military affairs.

C. B. No. 21, a bill for an act to amend an act concerning licences,

Referred to judiciary committee.

C. B. No. 29 a bill to enable the Overland Stage Line to erect and maintain bridges,

Was read.

Mr. Holly moved that the bill be referred to committee of incorporations.

Mr. Chaffee moved to amend by referring to committee of the whole.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Gallejos, Gracia, Harbour, Hayes, Holly Martine, Oakes, Scudder, Slaughter, Whittemore, Wilhite, Witter and Mr. Speaker—17.

Noes—Hamilton, Hanscome, Kenyon, Noteware, Powell, Steele and Stone—8.

Ayes 17, noes 8.

So the amendment prevailed.

The question being taken upon the original motion as amended,

It was carried, and the bill was so referrrd.

Second reading and reference of House bills:

H. B. No. 119, a bill for an act to define what shall constitute a lawful fence,

Referred to committee of agriculture.

H. B. No. 120, a bill for an act to amend an act relative to Notaries Public.

Referred to judiciary committee.

H. B. No. 121, a bill relating to probate courts, and judges of probate.

Referred to committee of judiciary.

H. B. No. 122, a bill for an act to incorporate Gold Hill Tunnel Company,

Referred to committee of incorporations.

H. B. No. 123, a bill for an act to incorporate the Rocky Mountaim Railroad Company,

Was read,

And referred to committee of judiciary.

H. B. No. 124, a bill for an act concerning school claims,

Referred to committee of the whole.

H. B. No. 125, a bill for an act to enable citizens of this Territory in the military service of the United States to vote,

Was read.

Mr. Holly moved to place on file in course.

Mr. Chaffee moved to refer to committee of the whole.

Ayes and noes called for.

Ayes—Chaffee, Fosher, Hanscome, Harbour, Hayes, Kenyon, Slaughter, Steele, Whittemore, Wilhite Mr. Speaker—11.

Noes—Barela, Beach, Chilcott, Gallejos, Gracia, Holly, Martine, Noteware, Oakes, Powell, Scudder, Stone and Witter—13.

Ayes 11, noes 13.

So the amendment was lost.

Original motion of Mr. Holly as amended prevailed.

Third reading and passage of bills:

C. B. No. 23, substitute, a bill for a an act supplementary to "An act providing for the collection of the revenue," approved Nov. 7th, 1861,

Was read.

Vote on final passage.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Gracia, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Steele, Stone, Whittemore, Witter—20.

Noes—Harbour, Slaughter and Mr. Speaker—3.

Ayes 20, noes 3.

So the bill passed and title agreed to.

Consideration of bills reported back by committees:

H. B. No. 43 a bill for an act fixing the fees of officers, jurors and witnesses,

Was taken up.

Mr Chaffee moved that the bill be referred to committee of the whole.

Mr. Noteware moved that the bill be indefinitely postponed.

Mr. Slaughter moved to lay the motion on the table.

Ayes and noes called for.

Ayes—Beach, Chaffee, Chilcott, Hanscome, Harbour, Hayes, Holly, Kenyon, Scudder, Slaughter and Whittemore—11.

Noes—Barela, Fosher, Gallejos, Gracia, Hamilton, Martine, Noteware, Powell, Steele, Stone, Wilhite, Witter and Mr. Speaker—13.

Ayes 11, noes 13.

So the motion to table was lost.

The question recurring upon the motion to indefinitely postpone;

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Foshert, Gallejos, Garcia, Hamilton, Hayes, Holly, Kenyon, Martine, Noteware, Powell, Scudder, Slaughter and Mr. Speaker—17.

Noes—Hanscome, Harbour, Steele, Stone, Whittemore, Wilhite and Witter—7.

Ayes 17, noes 7.

So the motion prevailed and the bill was indefinitely postponed.

Mr. Holly moved to reconsider the vote, whereby H. B. No. 43 was indefinitely postponed.

Mr. Beach moved to lay the motion to reconsider upon the table.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Fosher, Gallejos, Garcia, Hamilton, Hayes, Kenyon, Martine, Noteware, Oakes, Scudder and Slaughter—14.

Noes—Chilcott, Hanscome, Harbour, Holly, Powell, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—11.

Ayes 14, noes 11.

So the motion prevailed, and

The motion to reconsider was laid on the table.

H. B. No. 80, a bill for an act making appropriations for the current and contingent expenses of Colorado Territory, for the fiscal year ending Dec. 31st, 1862,

Was read.

Mr. Witter moved that the bill be considered engrossed for a third reading.

Carried.

H. B. No. 83, a bill for an act amendatory of an act entitled "An act creating a lien in favor of mechanics, in certain cases," approved November 4th, 1861,

Was taken up for consideration.

Mr. Holly moved that the bill be considered engrossed for a third reading.

Carried.

H. B. No. 84, a bill for an act relative to Notaries Public,

Was read.

Mr. Fosher moved that the bill be considered engrossed.

Carried.

C. J. R. No. 4, relating to the first regiment of Colorado Volunteers,

Was read.

Mr. Fosher moved that the resolution be ordered to a third reading.

Carried.

H. J. M. No. 6, for a tri-weekly mail to Boulder,

Was read.

Mr. Hamilton moved the memorial be ordered engrossed.

Carried.

H. B. No. 113, providing for enforcement of laws in Conejos and Costilla counties when printed in Spanish,

Was read.

Mr. Noteware moved that the bill be considered engrossed.

Carried.

H. B. No. 116, a bill for an act for the relief of county assessors,

Was read.

Mr. Harbour moved that the bill be indefinitely postponed.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Oakes, Powell, Steele, Stone, Wilhite, Witter and Mr. Speaker—20.

Noes—Fosher, Noteware, Scudder, Slaughter and Whittemore—5.

Ayes 20, noes 5.

So the motion prevailed, and

The bill was indefinitely postponed.

Mr. Hanscome gave notice that he would on to-morrow, or some subsequent day, introduce

A bill "to revive certain judgments of miners and other courts, by *scire facias*."

Mr. Noteware moved to adjourn until 2 o'clock, p .m.

Ayes and noes called for.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia,

Hamilton, Hanscome, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—19.

Noes—Chaffee, Hayes, Holly, Kenyon, and Witter—5.

Ayes 19, noes 5.

So the House adjourned.

AFTERNOON SESSION.

House met at 2 o'clock, p. m., pursuant to adjournment.

Speaker in the Chair.

Quorum present.

Consideration of bills reported back by committees resumed:

H. B. No. 115, a bill for an act to regulate and establish the rates of charges for the publication of legal documents,

Was read.

Mr. Holly moved that the bill be ordered engrossed,

Carried.

H. B. No. 99, a bill for an act to change the name of Gilpin county to that of Gregory,

And substitute therefor,

Were read.

Mr. Holly moved that the substitute bill be adopted.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Steele, Stone, and Witter—19.

Noes—Kenyon, Slaughter, Whittemore, Wilhite and Mr. Speaker—6.

Ayes 19, noes 6.

So the motion prevailed, and

The substitute was adopted.

Mr. Slaughter moved that the substitute be indefinitely postponed.

Mr. Holly moved to lay the motion upon the table.

Carried.

Mr. Slaughter moved to strike out "1st of January, A. D. 1863," and insert "1st of January, A. D. 1864."

Ayes and noes called for.

Ayes—Beach, Fosher, Slaughter, Stone and Wilhite—5.

Noes—Barela, Chaffee, Chilcott, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Whittemore, Witter and Mr. Speaker—19.

Ayes 5, noes 19.

So the motion did not prevail.

Mr. Steele asked to be excused for the remainder of the day.

Excused.

Mr. Hayes moved that the bill be considered engrossed for a third reading.

Mr. Slaughter moved to recommit the bill to a select committee, with instructions to report by Tuesday next, at 2 o'clock, p. m.

Mr. Hanscome moved the adoption of the following:

Amend Sec. 1, by striking out "hereafter" in the 13th line, and "on and after January 1st, 1863," be inserted in lien thereof, and the last paragraph be stricken out.

Adopted.

Mr. Slaughter renewed his motion.

The Speaker declared the motion not in order, while another motion was pending.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, COL. TER.
DENVER, Aug. 9th, 1862.

To the Hon. Speaker of the House of Representatives:

SIR: I have this day approved and signed the following acts:

An act to incorporate the Vasquez River Irrigating and Hydraulic Company.

An act to legalize the assessment of Summit county.

An act to amend an act entitled "An act concerning Jurors," approved Nov. 5th, 1861.

Respectfully,
JOHN EVANS, Governor.

Mr. Slaughter took an appeal from the decision of the Chair.

The question being, shall the House stand by the decision of the Chair?

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Kenyon, Martine, Noteware, Oakes, Powell, Whittemore and Witter—17.

Noes—Harbour, Scudder, Slaughter, Stone and Wilhite—5.

Ayes 17, noes 5.

So the decision of the Chair was sustained.

On motion the bill was ordered to be engrossed for a third reading.

Carried.

H. B. No. 102, a bill for an act to incorporate the Beaver Creek Mining Company,

Was read.

Mr. Wilhite moved to strike out "twenty years" and insert "ten years" in Sec. 3.

Carried.

Mr. Witter moved the adoption of the following as an additional section:

Sec. 5. Nothing in this act shall be so constaued as to allow said company in any way to interfere with the rights and privilege of any miner or miners who may have priority of title to their claims.

Adopted.

Mr. Holly moved that the bill be ordered engrossed for a third reading.

Carried.

H. J. M. No. 5, a bill for a preamble and joint resolutions relating to the resolution was taken up for consideration.

Mr. Wilhite moved that the further reading be dispensed with.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Gallejos, Garcia, Kenyon, Martine, Noteware, Oakes, Powell and Wilhite—11.

Noes—Chaffee, Fosher, Hamilton, Hanscome, Harbour, Hayes, Holly, Scudder, Slaughter, Stone, Whittemore, Witter and Mr. Speaker—13.

Ayes 11, noes 13.

So the motion did not prevail.

The memorial and reports were read.

Mr. Holly moved that the majority report be adopted.

Mr. Slaughter moved to amend, that the minority report be adopted.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Garcia, Hamilton, Hanscome, Harbour, Hayes, Kenyon, Martine, Oakes, Powell, Slaughter, Whittemore and Witter—17.

Noes—Gallejos, Holly, Noteware, Scudder, Wilhite and Mr. Speaker—6.

Ayes 17, noes 6.

So the motion prevailed.

The question recurring on the original motion as amended,

It was carried.

Mr. Witter moved to refer the resolutions reported by minority of the committee, to a special committee.

Mr Kenyon moved to amend by instructing the committee to report on Monday.

Amendment accepted.

Mr. Slaughter moved to amend by referring to committee of the whole, and that the memorial be made the special order for Monday evening at half-past 7 o'clock.

Mr. Witter withdrew his motion to refer minority report.

Mr. Witter moved to reconsider.

Mr. Slaughter moved to lay the motion to reconsider on the table.

Ayes and noes called for.

Ayes—Barela, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Kenyon, Martine, Noteware, Slaughter, Whittemore and Wilhite—12.

Noes—Beach, Chaffee, Chilcott, Fosher, Harbour, Holly, Powell, Scudder, Stone, Witter and Mr. Speaker—11.

Ayes 12, noes 11.

So the motion prevailed and

The motion to reconsider was laid on the table.

Mr. Witter moved to refer the report and resolutions to a special committee of three.

Mr. Slaughter moved to amend by referring to committee of the whole.

Mr. Hanscome took an appeal from the decision of the chair, upon a point of order.

The question being,

Shall the House stand by the decision of the Chair?

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Martine, Oakes, Powell, Scudder, Stone and Witter.

Noes—Hanscome, Harbour, Hayes, Kenyon, Slaughter and Wilhite.

And before the vote was announced the appeal was withdrawn.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, Aug. 9th, 1862.

MR. SPEAKER:—I am instructed to inform the House that the Council insist on their substitute for H. J. M. No. 2, to the P. M. General, asking for increased mail facilities to the Southern mines, and have appointed as a committee of conference on the part of the Council, Messrs. Altman, Hunt and Loveland, and respectfully ask the appointment of a like committee on the part of the House.

The Council has also passed H. B. No. 37, an act to prevent the introduction of stock into the counties of Huerfano, Pueblo and Fremont for purposes of grazing, with the following amendment: by adding "Jefferson, Weld, Boulder and Costilla counties,"

And the concurrence of your honorable body is respectfully requested. Very respectfully,

JOHN HOWARD,
Secretary of the Council.

The question being taken upon the amendment to refer to committee of the whole.

Mr. Whittemore moved to lay the whole matter on the table.

Ayes and noes called for.

Ayes—Garcia, Hamilton, Hanscome, Harbour, Hayes, Kenyon, Powell, Slaughter, Steel, Stone, Whittemore and Wilhite—12.

Noes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Holly, Martine, Noteware, Oakes, Scudder, Witter and Mr. Speaker—13.

Ayes 12, noes 13.

So the motion did not prevail.

Mr. Wilhite moved to adjourn till Monday at 9 o'clock.

Ayes and noes called for.

Ayes—Chaffee, Hamilton, Hanscome, Harbour, Scudder, Wilhite, Witter and Mr. Speaker—8.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Steele, Stone and Whittemore—17.

Ayes 8, noes 17.

So the motion was lost.

Mr. Holly moved to refer the preamble and resolution No. 5, to same committee, with the report of the majority.

Mr. Witter accepted the amendment.

Mr. Slaughter withdrew his amendment.

Division of the question had.

Both divisions caried.

The question was then taken upon referring both reports to special committee,

Messrs. Witter Whittemore and Holly.

Mr. Holly asked to be excused.

Excused.

Mr. Speaker appointed Mr. Oakes, in place of Mr. Holly.

H. B. No. 125, a bill for an act to enable citizens of this Territory in the military service of the United States, to vote.

Mr. Holly moved that the bill be ordered engossed for third reading.

Carried.

Mr. Stone from committee on engrossment reported,

H. B. Nos. 68 and 106, as correctly engrossed.

Report received.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 9th, 1862.

MR. SPEAKER:—I am instructed to inform the House that the Council has passed H. B. No. 72, a bill for an act authorizing the dismissal of causes in vacation.

Also,

H. B. No. 6, a bill for an act amendatory of an act entitled "An act concerning ejectments," without amendment.

Also,

C. B. No. 35, a bill for an act amendatory of an act concerning clerks of courts.

Also,

H. J. M. No. 1, joint memorial to Congress of the United States to have the laws printed in the Spanish language, with the following amendment:

Amend by inserting the words "two hundred copies of," before the word "one," in the seventh line from the bottom of the first page.

And the concurrence of the house is respectfully asked.

JOHN HOWARD,
Sec'y of Council.

Mr. Whittemore, from committee on engrossment, reported H. B. No. 54, a bill for an act to incorporate the Cache la Poudre and Platte River Bridge Company, and J. M. No. 6, a bill for a memorial to the P. M. General for a tri-weekly mail to Boulder City, correctly engrossed.

Report received,

H. B. No. 66, a bill for an act for a general incorporation law was taken up for consideration.

Mr. Hanscome moved that the bill be considered as read and the consideration thereof made the special order of the day for Monday next at 10 o'clock.

H. B. No. 97, a bill for an act to provide for the support of common schools,

Was read.

Mr. Wilhite moved that the bill be ordered engrossed.

Mr. Whittemore moved that the bill be indefinitely postponed.

Carried.

H. J. M. No. 7, a bill for a memorial for a grant of land to the University of Colorado,

Was read.

Mr. Holly moved that the bill be ordered engrossed for a third reading.

Ayes and noes called for.

Ayes—Beach, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder and Stone—15.

Noes—Barela, Chaffee, Chilcott, Hayes, Slaughter, Whittemore, Wilhite, Witter and Mr. Speaker—9.

Ayes 15, noes 9.

So the motion prevailed.

Third reading of bills:

H. B. No. 78, a bill for an act defining and regulating the practice and proceedings in courts of justice, and for other purposes,

Was taken up for reading.

Mr. Chaffee moved to adjourn.

Lost.

Mr. Chaffee moved that the rules be suspended, in order to introduce bills, reports and notices.

Mr. Barela moved to adjourn till Monday morning at 10 o'clock.

Ayes—Barela, Chaffee, Gallejos, Garcia, Hamilton, Harbour, Kenyon, Martine, Oakes, Scudder, Wilhite, Witter and Mr. Speaker—13.

Noes—Beach, Chilcott, Fosher, Hanscome, Hayes, Holly, Noteware, Powell, Slaughter, Stone and Whittemore—11.

Ayes 13, noes 11.

So the House adjourned till Monday morning at 10 o'clock.

MONDAY, August 11th, 1862.

House met at 10 o'clock, a. m. pursuant to adjournment.

Speaker in the chair.

Roll called.

Absent—Kenyon, Slaughter and Witter.

Reading of the Journal dispensed with, and

Referred to committee of printing.

Mr. Kenyon appeared and took his seat.

Reports of committees:

Mr. Holly, from judiciary committee, submitted the following report:

To the Hon. the Speaker of the House of Representatives:

The committee on judiciary beg leave to report that we recommend as follows:

That C. B. No. 13, for an act to authorize the appointment of County Commissioners in special cases do pass.

That H. B. No. 50, for an act to authorize the collection of taxes in certain contingencies be indefinitely postponed.

That H. B. No. 110, for an act to amend an act entitled "An act concerning criminal jurisprudence," be amended by striking out "one year," and that as thus amended it do pass.

That H. B. No. 109, for an act to amend an act entitled "An act concerning evidence and depositions" be indefinitely postponed.

That H. B. No. 120, a bill for an act to amend an act entitled "An act relative to notaries public" do pass.

And that H. B. No. 108, a bill for an act to amend an act entitled "An act concerning forcible entries and unlawful detainer," do pass.

Aug. 11, 1862. C. F. HOLLY, Ch'n.

Mr. Scudder, from committee of ways and means, reported back verbally,

H. B. No. 92, a bill for an act to amend an act entitled "An act to organize and establish the treasury department," without recommendation, and the following written report:

MR. SPEAKER: The committee of ways and means to whom was referred C. B. No. 19, have had the same under consideration, and would report the same back to the House and recommend its passage, after striking out the whole of section one. EDWIN SCUDDER, Ch'n.

Report received.

Mr. Chilcott, from committee of incorporations reported as follows:

Mr. SPEAKER: Your committee on incorporations have had H. B. Nos. 100, 104, 105, 112, 122, 123, 117 and 126, under consideration, and beg leave to report the same back without recommendation. G. M. CHILCOTT, Ch'n.

Report received.

Messrs. Slaughter and Witter appeared and took their seats.

Mr. Stone, from committee on judiciary, reported back

H. B. No. 114, a bill for an act relating to pleadings in certain actions.

H. B. No. 121, a bill for an act relating to probate courts, and judges of probate, and recommend their passage without amendment.

Mr. Holly, from committee on conference, reported as follows:

To the Honorable, the Council and House of Representatives of the Territory of Colorado:

The undersigned committee of conference on Council amendments to H. B. No. 31, a bill for an act fixing the time of the meeting of the General Assembly, beg leave to report, that they recommend that the House concur in the Council amendment, with an amendment as follows: strike out the word "July" and insert the word "December."

Respectfully your obed't serv'ts,

C. F. HOLLY, Ch'n H. Com.
M. S. BEACH,
DANIEL WITTER,
C. W. MATHER, Ch'n C. Com.
Aug. 9th, 1861. ROBERT B. WILLIS.

Mr. Witter, from select committee, on J. M. No. 5, reported as follows:

MR. SPEAKER: Your committee to whom was referred J. M. No. 5, with the reports of the minority and majority of the committee of Federal relations thereon, beg leave to report that they have had the same under consideration and recommend the adoption of the preamble and resolutions, reported by the minority, amended to read as follows:

Whereas, The United States of America, now engaged in a fierce and deadly war with a powerful and fraticidal enemy, in which they have our heartfelt sympathy, have levied a direct tax upon the Territory of Colorado, of the amount of twenty-two thousand nine hundred and five and one-third dollars, to be laid upon the real estate of the Territory; and

Whereas, There is but little if any real estate known to the law within the present limits of Colorado, and the tax thus levied against the Territory is in danger of being defeated and never collected; and

Whereas, The people of Colorado, ever loyal to the parent government, should at this time show that loyalty by contributing her share of the national taxation; therefore,

Be it resolved by the Council and House of Representatives of Colorado Territory, That the direct tax of twenty-two thousand nine hundred and five and one-third dollars, apportioned to the Territory of Colorado, by act of Congress, approved August 5th, 1861, be and the same is hereby assumed by the said Territory of Colorado, to be paid by a special tax as shall be provided by law.

And to carry out the above resolutions your committee beg leave herewith to report a bill for an act assuming the direct tax apportioned to the Territory of Colorado, by act of Congress approved August 5th, 1861, and earnestly recommend its favorable consideration and passage by your honorable body.

In levying the special tax provided for, your committee have endeavored to lay it upon a class of property not generally reached by the excise tax law soon to be enforced in the Territory.

Although the people of this Territory may not be owners of the soil in fee simple, yet they are daily and yearly extracting from its vast stores of wealth, from which your committee believe they will be proud to contribute their quota of the twenty millions of dollars levied upon the real estate of the United States.

Although your committee consider the adoption of empty patriotic resolutions of sympathy and support as worse than useless whilst we have an opportunity of rendering substantial aid, and refuse or neglect to do so, yet if your honorable body should think proper to enact the measures proposed herewith for such substantial aid, your committee would recommend the adoption also of the original resolutions as recommended by a majority of the committee on Federal relations.

All of which is respectfully submitted.

DANIEL WITTER, Ch'n.
O. A. WHITTEMORE,
D. C. OAKES.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 11th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed C. B. No. 3, an act concerning lode claims and quartz mills; also, C. B. No. 37, an act to regulate the sale of horses, mules and cattle, at auction.

And the concurrence of the House is respectfully requested.

JOHN HOWARD,
Sec'y of the Council.

Mr. Chilcott, from special committe, reported as follows:

MR. SPEAKER: Your special committee, to whom was referred H. B. Nos. 111 and 118, have had the same under consideration, and beg leave to report back a substitute, and recommend its passage, and that the two bills submitted to the committee be indefinitely postponed. These bills provide a plan of apportionment for the Territory into Representative

and Council districts, and assign the number of Councilmen and Representatives to each. Your committee are well aware that no bill of this sort can be framed and passed by this Legislature that will meet the entire approval of each member, and satisfy the personal preferences of all, but your committee deem it just that such an apportionment for representation should be made, with a view to the interests of the people at large, taking into consideration the population of the respective counties, according to the fairest basis that can be established, the geographical and local importance of different sections of the Territory, even at the sacrifice of some personal preferences growing out of the natural desire on the part of each member to see his immediate locality receive the greatest possible share of representation. Your committee, after thoroughly examining this subject, and carefully considering the bills before them, beg leave to submit the accompanying substitute bill as being the fairest apportionment that your committee can arrive at, and being the best calculated to meet the approval of a majority of the members of the Legislative Assembly, and would therefore earnestly recommend the passage of said substitute bill, without amendment.

Respectfully,

G. M. CHILCOTT,
R. R. HARBOUR,
W. F. STONE,
Special Committee.

Mr. Oakes, from special committee, reported as follows:

MR. SPEAKER: Your special committee, to whom was referred H. B. No. 85, have had the same under consideration, and report the same back with the following amendments, and recommend its passage: In Sec. 1, strike out "perpetual succession," and insert "full privilege for the term of ten years." In Sec. 4, strike out in tenth and eleventh line, "to loan money on real or personal security." Also, strike out last line in said section, and insert "therewith." In Sec. 7, strike out all after the word "corporation," in ninth line.

D. C. OAKES, Ch'n.
G. M. CHILCOTT,
J. B. CHAFFEE.

Report received.

Mr. Stone, from commitee of engrossment, reported

H. B. No. 102, a bill for an act to incorporate the Beaver Creek Mining Company,

Correctly engrossed.

Report received.

Mr. Whittemore, from same committee, reported as follows:

MR. SPEAKER: The committee on engrossment report H. B. Nos. 115 and 125, and H. J. M. No. 7, as correctly engrossed. O. A. WHITTEMORE, Ch'n.

Report received.

Mr. Hanscome, from special committee, submitted the following report:

MR. SPEAKER: The special committee, to whom C. B. No. 2, a bill for an act to incorporate the Golden Gate and Gregory Road Company, was referred, have had the same under consideration, and beg leave to report, and recommend that Sec. 6 be stricken out, and that Sec. 7 be amended by striking out in the tenth line of said section "sixty-five," and inserting "fifty," instead; and that "fifteen," in the fourteenth line, be stricken out, and "ten" be inserted in lieu thereof.

Additional section:

Sec. —. The county commissioners of Gilpin and Jefferson counties shall be, and they or any one of them are, hereby authorized to examine the condition of said road at any time, and if found in bad condition, they or he shall give the gatekeeper notice in writing specifying that portion of the road *complained of, and if the said corporation* do not repair the same so as to be in good condition within thirty days from time of said notice, the statement under oath of said commissioners or commissioner shall be considered cause sufficient for the violation of said charter, which may be repealed by any future Legislative Assembly.

Additional section:

Sec. —. It shall be necessary for the corporation to remove all the rock in the track of said road, and to construct culverts and bridges over the streams, and also to construct said road wide enough so that teams can pass, except in difficult places, or where the nature of the ground will not admit of without extraordinary expense; *Provided*, That this section shall not be construed so as to require the owners to remove the solid rock in said road that do not stick up in the way of wagon wheels. Respectfully submitted.

C. G. HANSCOME,
J. B. CHAFFEE,
H. B. HAYES.

Report received.

Mr. Kenyon, from same committee, reported from minority as follows:

MR. SPEAKER: Your committee, to whom was referred C. B. No. 2, would respectfully make the following report:

We have made a thorough investigation of the voluminous testimony had before the committee appointed by the Council, also further testimouy adduced by the disputants of the aforesaid bill.

This cumulative testimony in the minds of your committee does not present a single doubt as to the right of Duncan, Tucker and Smith to a charter, and under such circumstances, we would respectfully recommend the above bill to the consideration of the House.

We have further examined the applicants for the charter in regard to tolls, and find that they are obliged to keep from six to eight men constantly employed, keeping the road in good order, as the above road from the mouth of Tucker cañon up to the Michigan House, a distance of twelve miles, runs through a deep, narrow defile nearly the whole distance, and surmounting some of the most rugged and difficult hills in this country, and which, without constant and unremitting attention would soon become impassible.

Your committee would therefore respectfully suggest that the rates of toll fixed by the Council (having been cut down by that body) be adopted by this House, as in our opinion, from statistics that we have received, are hardly enough to give a decent remuneration to the parties concerned; statements to the contrary notwithstanding.

JOS. KENYON.
J. W. HAMILTON.

Mr. Stone, from special committee, submitted the following majority report:

MR. SPEAKER:—The undersigned, a majority of your special committee, to whom was referred C. B. No. 7, to locate the county seat of Park county, and to legalize the acts of the county commissioners in the location thereof, have had the same under consideration, and beg leave to report the bill back and recommend its passsage. From all the information the undersigned have been able to gather, they would present the following statement:

The county seat of Park county was by the first session of the Legislature, located temporarily at Tarryall City. At the general election in December last, the question of locating the county seat was voted upon by a majority of the voters of the county, and a majority of the votes cast upon this question were for the location of the county seat at Laurette or "Buckskin Joe," and in accordance with this the county commissioners elected at said general election, removed the county seat from Tarryall City and located it at Laurette. The

bill under consideration propses to legalize the act of said commissioners in thus removing the county seat. The first clause of Sec. 1, of the act "establishing the mode of locating and changing county seats," provides "that whenever any county shall be organized after the passage of this act, the qualified voters thereof are hereby empowered to select the place of their county seat by a vote at the first election held in the county for county officers." Sec. 2, of the same act, reads, "that in all counties organized before the passage of this act, in which the county seat has been located temporarily in the act organizing it, the qualified voters thereof shall have the same power to change the location of their county seat at the second annual election for county officers," &c. As a change in the location of the county seat of Park county came within the provisions of Section 2d, of the act referred to, the change made by the vote taken at the last December election was clearly illegal and it is this illegality which this bill proposes to correct. As the laws were not printed nor before the people until long after the election was held, the illegality as to the time of voting on this question was made through ignorance of the law on this subject and the mistake was not discovered until too late to remedy it. But as the undersigned are well satisfied that the people of the county who voted on this question did so in good faith, upon their then impressions of what the law was, and as the county commissioners in changing the location of the county seat on this vote acted in similar good faith, and as the county officers were elected and inducted into office and have held and exercised the functions of said office at the town of Laurette, in the like good faith and ignorance of any illegality in the change, at the time it was made, and furthermore, as Sec. 1, article 10, of the act relating to county officers, provides that every county officer, on failure to keep his office at the county seat shall forfeit five dollars for every day of such failure, and as the district court for said county has been held at Laurette, as the county seat of Park county and all the other county business required to be done at the county seat has been done at the said town of Laurette, in good faith as the county seat of said county, and as the location of said county seat can hereafter be changed at the next general election by a vote of the people of the county, thereby rendering legal and satisfactory said location thereafter, and also, that great expense has been incurred in erecting county buildings at the town of Laurette; therefore, in view of all these facts, and the great injustice, hardships and litigation that would ensue to the officers and people of Park county, were the acts of the commissioners in locating the county seat, as we have shown, not legalized by

an act of the Legislature, and also in view of the fact that no injustice would be done the people of said county by such a legalizing act, but that on the contrary, they would be relieved of a great and impending burden of trouble and future litigation, the undersigned would earnestly recommend the passage of this bill by the House.

Respectfully submitted.
WILBUR F. STONE,
JOHN FOSHER.

Mr. Hanscome from judiciary committee, reported as follows:

MR. SPEAKER—The judiciary committee to whom was referred H. B. No. 91, a bill for an act to amend an act entitled "An act concerning justices of the peace and constables," have had the same under consideration, and would recommend its passage with the following additional sections and amendments:

That section 1, be amended by adding the following as the fifteenth subdivision of said section:

Fifteenth. "In all actions of trespass to mining claims or other real property, in which the amount claimed does not exceed one hundred dollars."

That section 6, of said act be amended by the insertion between the words "trial" and "being" in the second line of said section, "or after the lapse of one hour from the time fixed for trial."

The following to be added to the end of section 29:

"And in all cases of jury trials before a justice of the peace each party shall be entitled to three peremptory challenges."

In section 31, insert between the words "justice" and "immediately," in the 6th line, the following words, "Upon the payment of his fees for a change of venue only."

That section 33, of said act be stricken out and insert the following:

"Executions in justice's courts may be issued immidiately after rendition of judgment."

In fourth line of section 38 strike out the word "twenty" and insert "ten" and add to the end of said section "and pay the costs of granting the appeal only."

All of which is respectfully submitted.

C. G. HANSCOME;
C. F. HOLLY, Ch'n,
W. M. SLAUGHTER,
J. B. CHAFFEE,
W. F. STONE.

Also, that the words "ten days and immediately cause a notice to be posted up in three public places in the neighborhood of the justice," in the 4th, 5th and 6th lines of section 99, of said act, be and the same are hereby stricken out, and the words "thirty days, and immediately cause a notice to be inserted in any newspaper published in the county where the cause of action accrued, or if there be none published in said county, then in any newspaper published in the city of Denver, said notice to be inserted for four weeks," be and the same are hereby inserted in lieu thereof.

All of which is respectfully submited.

C. G. HANSCOME.

Report received.

Mr. Hanscome from judiciary committee submitted the following report:

Mr. SPEAKER: The judiciary committee have had H. B. No. 107 under consideration, and beg leave to recommend that the same be indefinitely postponed.

All of which is respectfully submitted.

C. G. HANSCOME, Ch'n.

Report received.

Mr. Stone from committee of mines and minerals, reported back,

H. B. No. 89, a bill for an act for the protection of mining claims, out of mining season, and recommend its passage without amendment.

Report received.

Amendments proposed by the Council to bills from the House.

H. J. M. No. 1, to Congress of the United States, to have the laws printed in the Spanish language,

Was read, with amendment proposed by the Council.

Mr. Holly moved to concur.

Carried.

H. B. No. 37, to prevent the introduction of stock into Huerfano, Pueblo and Fremont counties,

Was read, with amendments.

Mr. Chilcott moved to concur.

Mr. Witter moved that the House do not concur.

Mr. Slaughter moved to lay the motion and amendments upon the table.

Ayes and noes called for.

Ayes—Chaffee, Gallejos, Garcia, Hanscome, Harbour, Kenyon, Oakes, Slaughter, Steele, Stone and Witter—11.

Noes—Barela, Beach, Chilcott, Fosher, Hamilton, Holly, Martine, Noteware, Powell, Scudder, Whittemore, Wilhite and Mr. Speaker—13.

Ayes 11, noes 13.

So the motion to table was lost.

Question on amendment.

Ayes and noes called for.

Ayes—Chaffee, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Kenyon, Noteware, Oakes, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—18.

Noes—Barela, Beach, Chilcott, Holly, Martine and Powell—6.

Ayes 18, noes 6.

So the amendment prevailed.

The question being upon the motion as amended, the

Ayes and noes were called for.

Ayes—Chaffee, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Kenyon, Noteware, Oakes, Scudder, Slaughter, Steele, Whittemore, Wilhite and Witter—15.

Noes—Barela, Beach, Chilcott, Fosher, Holly, Martine, Powell, Stone and Mr. Speaker—9.

Ayes 15, noes 9.

So the motion as amended prevailed, and the House refused to concur.

Special order of the day.

H. B. No. 66, a bill for an act for a general incorporation law.

Mr. Fosher moved to postpone the bill till half-past 7 o'clock this evening, and that it be made the special order for that hour.

Mr. Slaughter moved to amend, that the bill be made the special order of the day at 10 o'clock, to-morrow.

Motion and amendment withdrawn.

The bill was then read.

Mr. Witter moved that

H. B. No. 78, a bill for an act to enable road, ditch manufacturing, and other companies to become bodies corporate,

Be adopted as a substitute for H. B. No. 66.

Mr. Hamilton moved that the bill be made the special order for half-past 7 o'clock this evening.

Ayes and noes called for.

Ayes—Barela, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Kenyon, Oakes, Slaughter, Steele and Stone—11.

Noes—Beach, Chaffee, Hanscome, Harbour, Holly, Martine, Noteware, Powell, Scudder, Whittemore, Wilhite, Witter and Mr. Speaker—13.

Ayes 11, noes 13.
So the motion was lost.
Mr. Wilhite moved to adjourn till 2 o'clock.
Carried.

AFTERNOON SESSION.

House called to order by the first assistant Clerk of the House.
Mr. Chaffee moved a call of the House.
Carried.
Roll called.
Absent—Beach, Fosher, Hamilton, Kenyon, Steele, Stone and Mr. Speaker.
Sergeant-at-Arms was dispatched for the absentees.
Mr. Holly moved that further proceedings under the call be dispensed with.
Carried.
Mr. Witter moved that Mr. Scudder act as Speaker *pro tem.*
Carried.
Mr. Noteware moved that a committee of three be appointed to wait upon Mr. Scudder to the Chair.
Carried.
Messrs. Witter, Harbour and Chaffee were appointed such committee.
Mr. Scudder took the Chair.
H. B. No. 78 was adopted as a substitute for H. B. No. 66, and amendments were adopted.
On motion,
H. B. No. 78 was ordered engrossed for a third reading.
Mr. Witter moved that the House concur in the report of committee of reference on
H. B. No. 31, to strike out "July" and insert "December," making the time of meeting of the Legislature December, in place of July.
The question being on concurring, the
Ayes and noes were called for.
Ayes—Barela, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hanscome, Harbour, Holly, Martine, Oakes, Powell, Steele, Whittemore, Witter and Mr. Speaker—16.
Noes—Beach, Hamilton, Kenyon, Noteware, Scudder, Slaughter, Stone and Wilhite—8.
Ayes 16, noes 8.
So the House concurred.
Mr. Holly gave notice that he would on to-morrow or some subsequent day introduce

A bill for an act to amend an act entitled "An act concerning divorce and alimony," approved November 7, 1861.

Mr. Holly offered the following resolution, and moved its adoption:

Resolved, That this House shall meet each morning, during the remainder of this session, at 8 o'clock, a. m.

Mr. Slaughter moved to lay the motion on the table.

Ayes and noes called for.

Ayes—Chaffee, Hamilton, Harbour, Kenyon, Noteware, Oakes, Scudder, Slaughter, Whittemore, Witter and Mr. Speaker—11.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hanscome, Holly, Martine, Powell, Steele, Stone and Wilhite—13.

Ayes 11, noes 13.

So the motion was lost.

The question being on the original resolution,

Ayes and noes called for.

Ayes—Barela, Chilcott, Fosher, Gallejos, Garcia, Hanscome, Holly, Martine, Noteware, Powell, Scudder and Stone—12.

Noes—Beach, Chaffee, Hamilton, Harbour, Kenyon, Oakes, Slaughter, Steele, Whittemore, Wilhite, Witter and Mr. Speaker—12.

Ayes 12, noes 12.

So the resolution was not adopted.

Mr. Chaffee offered the following resolution, and moved its adoption.

Resolved, That a session of this House be held this evening at 8 o'clock, and that the several bills reported to this House relating to the apportionment of the Territory for Council and Representative purposes, be the special order of said session.

Adopted.

Mr. Slaughter moved to take up

H. B. No. 98, a bill for an act to repeal an act entitled "An act to locate the seat of government, of Colorado Territory," from the table and put on the calendar.

Ayes and noes called for.

Ayes—Chaffee, Hamilton, Hanscome, Harbour, Kenyon, Noteware, Oakes, Slaughter, Steele, Whittemore, Wilhite and Witter—12.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Holly, Martine, Powell, Stone and Mr. Speaker—11.

Ayes 12, noes 11.

So the motion prevailed.

Mr. Kenyon moved that the minority report on

C. B. No. 2, to incorporate the Golden Gate and Gregory Road Company,

Be adopted.

The reports not being in the House, motion was withdrawn for the present.

Mr. Hanscome moved the adoption of the following resolution:

Resolved, That the Clerk of the House be authorized and instructed to strike from the calendar all bills for divorce.

Ayes and noes called for.

Ayes—Barela, Chaffee, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Kenyon, Martine, Noteware, Oakes, Scudder, Slaughter, Steele, Whittemore, Wilhite and Witter—17.

Noes—Beach, Chilcott, Fosher, Holly, Powell, Stone and Mr. Speaker—7.

Ayes 17, noes 7.

So the motion prevailed, and the clerk was so instructed.

Introduction and first reading of bills:

Pursuant to previous notice, Mr. Chaffee introduced

H. B. No. 127, a bill for an act concerning lode claims.

Pursuant to previous notice, Mr. Slaughter introduced

H. B. No. 128, a bill for an act to amend an act entitled "An act to incorporate the city of Denver."

Pursuant to previous notice, Mr. Hanscome introduced

H. B. No. 129, a bill for an act to revise certain judgments of the miners' and other courts, by *scire facias*.

Leave being granted, Mr. Slaughter introduced

H. B. No. 130, a bill for an act amendatory of an act concerning wills, executions and administrations.

Pursuant to previous notice, also,

H. B. No. 131, a bill for an act amendatory of an act concerning Probate Courts.

Pursuant to previous notice, Mr. Stone introduced the following:

H. B. No. 132, a bill for an act relating to mining and mining claims.

H. B. No. 133, a bill for an act to provide a place of holding the Supreme Court.

Leave being granted, Mr. Stone introduced

H. B. No. 134, a bill for an act to incorporate the Fairplay Ditch and Fluming Company.

Pursuant to previous notice, Mr. Noteware introduced

H. B. No. 135, a bill for an act granting the exclusive right to W. A. Carter and Wm. Kiskadden, to maintain a ferry across the North Platte.

Pursuant to previous notice, Mr. Powell introduced

H. B. No. 136, a bill for an act to locate the penitentiary of Colorado Territory.

First reading of Council bills:

C. B. No. 3, a bill for an act concerning lode claims and quartz mills.

C. B. No. 35, a bill for an act amendatory of an act concerning clerks of courts.

C. B. No. 37, a bill for an act to regulate the sale of horses, mules and cattle, at auction.

First reading of House bills:

H. B. No. 127, concerning lode claims.

H. B. No. 128, to repeal charter of the city of Denver.

H. B. No. 129, to revive judgments of miners' courts.

H. B. No. 130, amending act concerning wills, executions, and administrations.

H. B. No. 131, amending act concerning probate courts.

H. B. No. 132, relating to mining and mining laws.

H. B. No. 133, to provide for place of holding the Supreme Court.

H. B. No. 134, to incorporate the Fairplay Ditch and Fluming Company.

H. B. No. 135, granting exclusive right to Carter and Kiskadden for ferry across the North Platte.

H. B. No. 136, to locate penitentiary of Colorado Territory.

Second reading of Council bills:

C. B. No. 3, concerning lode claims,

Referred to committee of mines and minerals.

C. B. No. 35, amendatory of an act concerning clerks of courts,

Referred to committee of judiciary.

C. B. No. 37, to regulate the sale of horses, mules and cattle, at auction,

Referred to committee on agriculture.

Second reading and reference of House bills:

H. B. No. 127, concerning lode claims,

Referred to committee of mines and minerals.

H. B. No. 128, to repeal an act to incorporate the city of Denver,

Referred to committee of incorporations.

H. B. No. 129, to revise certain judgments of miners' and other courts, by *scire facias*,

Referred to judiciary committee.

H. B. No. 130, amendatory of an act concerning wills, executors and administrators.

Referred to judiciary committee.

H. B. No. 131, amendatory of an act concerning Probate Courts,

Referred to judiciary committee.

H. B. No. 132, relating to mining and mining laws,

Referred to committee of mines and minerals.

H. B. No. 133, to provide for a place of holding Supreme Court,

Referred to committee of Territorial affairs.

H. B. No. 134, to incorporate the Fairplay Ditch and Fluming Company,

Referred to select committee, consisting of

Messrs. Stone, Slaughter and Whittemore.

H. B. No. 135, granting Carter and Kiskadden exclusive right for ferry across the North Platte,

Referred to committee of roads and bridges.

H. B. No. 136, to locate the penitentiary of Colorado Territory,

Referred to committee of Territorial affairs.

Mr. Wilhite, from committee of enrollment, submitted the follow ing report:

MR. SPEAKER: Your committee on enrollment respectfully report the following bills correctly enrolled, to-wit:

H. B. No. 72, a bill for an act authorizing the dismissal of causes in vacation.

H. B. No. 6, a bill for an act amendatory of an act entitled "An act concerning ejectments."

H. B. No. 18, an act to confirm and legalize certain acts of the people prior to the organization of Colorado Territory.

Also,

J. M. No. 1, relating to having the laws printed in the Spanish language.

All of which is respectfully submitted.

E. S. WILHITE, Ch'n.

Report received.

Third reading of Council Bills:

C. J. M. No. 4, relating to the Colorado Volunteers,

Was read.

Vote on the final passage:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Hamilton, Holly, Kenyon, Martine, Powell, Slaughter, Steele, Whittemore and Witter—15.

Noes—Hanscome, Harbour, Noteware, Scudder, Stone and Mr. Speaker—6.

Ayes 15, noes 6.

So the memorial passed and the title was agreed to.

Mr. Kenyon moved a suspension of the rules, to enable him to move the adoption of minority report on

C. B. No. 2, incorporating the Golden Gate and Gregory Road Company.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Hamilton, Holly, Kenyon, Martine, Noteware, Powell, Slaughter, Steele, Stone and Mr. Speaker—15.

Noes—Chaffee, Hanscome, Harbour, Hayes, Scudder, Whittemore and Witter—7.

Ayes 15, noes 7.

So the motion prevailed.

Mr. Witter moved to lay on the table both reports until the bill comes up in regular order.

Ayes and noes called for.

Ayes—Chaffee, Hanscome, Harbour, Hayes, Holly, Steele, Whittemore, Wilhite and Witter—9.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Hamilton, Kenyon, Martine, Oakes, Powell, Slaughter, Stone and Mr. Speaker—13.

Ayes 9, noes 13.

So the motion was lost.

Mr. Chaffee moved to amend by striking out "minority report," and insert "so much of the majority report as relates to the tolls."

Ayes and noes called for.

Ayes—Chaffee, Hanscome, Harbour, Hayes, Holly, Noteware, Steele, Whittemore, Wilhite and Witter—13.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Hamilton, Kenyon, Martine, Oakes, Powell, Slaughter, Stone and Mr. Speaker—13.

Ayes 10, noes 13.

So the amendment did not prevail.

The question being upon the adoption of the minority report.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Hamilton, Kenyon, Martine, Oakes, Powell, Slaughter, Stone and Mr. Speaker—13.

Noes—Chaffee, Hanscome, Harbour, Hayes, Holly, Noteware, Scudder, Steele, Whittemore, Wilhite and Witter—11.

Ayes 13, noes 11.

So the minority report was adopted.

Consideration of bills reported back by committees.

H. B. No. 121, relating to probate courts and probate judges,

Was read.

Mr. Holly moved that the bill be ordered engrossed.

Carried.

H. B. No. 114, relating to pleadings in certain actions,
Was read.
Mr. Beach moved that the bill be ordered engrossed.
Carried.
H. B. No. 107, to amend an act corncerning Justices of the Peace, etc,
Was read.
Mr. Holly moved the adoption of the report of committee.
Carried.
So the bill was indefinitely postponed.
C. B. No. 13, authorizing appointment of county commissioners in special cases,
Was read.
Mr. Chaffee moved that the bill be ordered to a final passage.
Carried.
H. B. No. 50, a bill for an act to authorize the collection of taxes in certain contingencies,
Was read.
Mr. Noteware moved to adopt report of committee.
Lost.
Mr. Fosher moved that the bill be laid upon the table.
Carried.
H, B. No. 110, a bill to amend an act concerning criminal jurisprudence,
Was read.
Mr. Stone moved the adoption of the amendment proposed by the committee.
Ayes and noes called for.
Ayes—Barela, Chaffee, Chilcott, Fosher, Gallejos, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Powell, Scudder, Slaughter Steele and Stone—16.
Noes—Beach, Noteware, Whittemore, Wilhite, Witter and Mr. Speaker—6.
Ayes 16, noes 6.
So the amendment wss adopted.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, Aug. 11th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 24, a bill for an act to incorporate the Currant Creek and Arkansas River Road Company.

Also,

C. J. M. No. 2, to the Secretary of the Interior, respecting Indian titles.

Also,

C. J. M. and R. No. 6, to Congress, for the increase of the jurisdiction of courts of probate.

And the concurrence of your honorable body is respectfully requested. Very respectfully,

JOHN HOWARD,
Secretary of the Council.

H. B. No. 110, continued.

Mr. Stone moved to order the bill engrossed.

Mr. Hamilton moved to consider the bill engrossed.

Lost.

Original motion of Mr. Stone, carried.

H. B. No. 108, a bill amending an act concerning forcible entry and unlawful detainer,

Was read.

Mr. Holly moved that the bill be considered engrossed.

Carried.

H. B. No. 120, a bill to amend an act relating to Notaries Public,

Was read.

Also,

H. B. No. 74, a bill relating to the same act.

Mr. Stone moved that the bill be considered engrossed.

Mr. Witter moved to add

H. B. No. 74, a bill relative to Notaries Public, as an additional section to H. B. No. 120.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Hamilton, Hanscome, Hayes, Kenyon, Martine, Slaughter, Whittemore, Witter and Mr. Speaker—15.

Noes—Harbour, Holly, Noteware, Powell, Scudder, Steele, Stone and Wilhite—8.

Excused—Mr. Oakes.

Ayes 15, noes 8.

So the motion prevailed.

Mr. Harbour took the chair, and

Mr. Crocker moved to amend to add "from and after 1st October, A. D. 1863."

Carried.

Mr. Speaker resumed the chair.

Mr. Fosher moved that the bill be ordered engrossed.

Carried.

Mr. Chaffee moved that the House go into committee of the whole.

Ayes and noes called for.

Ayes—Chaffee, Chilcott, Hamilton, Hanscome, Holly, Whittemore and Mr. Speaker—7.

Noes—Barela, Beach, Fosher, Gallejos, Harbour, Hayes, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Wilhite and Witter—17.

Ayes 7, noes 17.

So the motion did not prevail.

Mr. Fosher moved to adjourn till 8 o'clock.

Ayes and noes called for.

Ayes—Barela, Beach, Fosher, Gallejos, Hanscome, Harbour, Holly, Martine, Oakes, Powell, Scudder and Stone—12.

Noes—Chaffee, Chilcott, Hamilton, Hayes, Kenyon, Noteware, Slaughter, Steele, Whittemore, Wilhite, Witter and Mr. Speaker—12.

Ayes 12, noes 12.

Lost.

Mr. Holly moved to adjourn.

Ayes and noes called for.

Ayes—Barela, Beach, Fosher, Gallejos, Hanscome, Harbour, Holly, Martine, Scudder, Steele, Stone and Whittemore—12.

Noes—Chaffee, Chilcott, Hamilton, Hayes, Kenyon, Noteware, Oakes, Powell, Slaughter, Wilhite, Witter and Mr. Speaker—12.

Ayes 12, noes 12.

So the motion did not prevail.

Mr. Wilhite moved to reconsider the vote fixing the special order at 8 o'clock this evening.

Mr. Slaughter moved to lay the motion upon the table.

Carried.

Mr. Holly moved to adjourn.

Ayes and noes called for.

Ayes—Barela, Beach, Hanscome, Holly, Kenyon, Martine, Powell, Scudder, Steele and Mr. Speaker—10.

Noes—Chaffee, Chilcott, Fosher, Gallejos, Hamilton, Harbour, Hayes, Noteware, Oakes, Slaughter, Stone, Whittemore, Wilhite and Witter—14.

Ayes 10, noes 14.

So the motion did not prevail.

Mr. Holly moved that the House resolve itself nto committee of the whole on the calendar.

Ayes and noes called for.

Ayes—Chaffee, Chilcott, Hamilton, Hanscome, Holly, Kenyon, Whittemore and Mr. Speaker—8.

Noes—Barela, Beach, Fosher, Gallejos, Harbour, Hayes, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Wilhite and Witter—16.

Ayes 8, noes 16.

Mr. Noteware moved to adjourn till 8 o'clock this evening.

Ayes and noes called for.

Ayes—Barela, Beach, Hamilton, Holly, Noteware, Oakes, Powell, Scudder, Steele and Wilhite—10.

Noes—Chaffee, Chilcott, Fosher, Gallejos, Hanscome, Harbour, Hayes, Kenyon, Martine, Slaughter, Stone, Whittemore, Witter and Mr. Speaker—14.

Ayes 10, noes 14.

Lost.

Mr. Holly moved to go into committee of the whole.

Mr. Slaughter moved to lay the motion of the table.

Carried.

Mr. Witter offered the following as an additional rule of order:

Resolved, That hereafter, when the several orders of business have not been passed through with in any day, they shall be taken up where they were left off on the preceding day, immediately after reading the journal.

Adopted.

Mr. Holly moved to adjourn till 8 o'clock this evening.

Carried.

EVENING SESSION.

House met at 8 o'clock p. m.

Speaker in the chair.

Quorum present.

Special order for the evening.

H. B. Nos. 111 and 118, to apportion the Territory of Colorado into Council and Representative Districts, and substitute bill,

Were read.

Mr. Chilcott moved that the substitute be adopted.

Mr. Chaffee moved a call of the House.

Carried.

Roll called.

Absent—Messrs. Holly, Noteware, Gallejos and Slaughter.

The Sergeant-at-arms was dispatched for the absentees.

Mr. Harbour moved that further proceedings under the call be dispensed with.

Ayes and noes called for.

Ayes—Barela, Hamilton, Hanscome, Harbour, Noteware. Steele, Wilhite and Mr. Speaker—8.

Noes—Beach, Chaffee, Chilcott, Fosher, Garcia, Hayes, Kenyon, Martine, Oakes, Powell, Scudder, Stone and Whittemore—13.

Ayes 8, noes 13.

So the motion did not prevail.

Mr. Chaffee moved that further proceedings under the call be dispensed with.

Carried.

Mr. Chilcott withdrew his motion.

Mr. Chaffe moved to adopt the minority bill as far as relates to the Council, and the substitute so far as relates to the representative districts.

Mr. Kenyon moved the adoption of the following amendment:

The fifth council district shall be as follows:

Clear Creek, Jefferson and Gilpin counties, and shall be entitled to one councilman.

Adopted.

Mr. Holly and Mr. Gallejos were excused for absence this evening.

Mr. Garcia moved to amend as follows:

The eleventh council district shall be as follows;

Costilla and Huerfano counties be entitled to one councilman.

In section 9, strike out Costilla and Huerfano.

Adopted.

Mr. Chaffee moved that the bill be amended by adding Douglas and Arapahoe, and giving the two counties three representatives, then add Huerfano to Pueblo and El Paso.

Mr. Holly appeared and took his seat.

Mr. Fosher moved that the motion before the House be laid upon the table.

Ayes—Barela, Fosher, Harbour, Hayes, Oakes, Scudder, Slaughter, Steele, Wilhite, Witter and Mr. Speaker—11.

Noes—Beach, Chaffee, Chilcott, Garcia, Hamilton, Hanscome, Kenyon, Martine, Noteware, Powell, Stone und Whittemore—12.

Mr. Holly was excused from voting.

Ayes 11, noes 12.

So the motion was lost.

The question being thaken on the amendment of Mr. Chaffee,

It was carried.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 11th, 1862.

MR. SPEAKER:—I am instructed to inform the House that the Council adheres to its amendment to H. B. No. 31, a bill for an act fixing the time of the meeting of the Legislative Assembly.

The Council has also passed C. B. No. 39, a bill for an act

to appeal all laws in relation to the introduction of stock in Conejos county for the purpose of grazing.

Also,

C. J. M. No. 1. to the Secretary of the Treasury of the United States, and the concurrence of your honorable body is respectfully requested.

Very respectfully,
JNO. HOWARD,
Secretary of the Council.

Mr. Chaffee offered the following amendment:

To strike out "Boulder" in the fifth representative district and insert "Gilpin."

The Speaker declared the amendment out of order.

Mr. Witter took an appeal from the decision of the chair.

The question being shall the House stand by the decision of the chair?

Ayes and noes called for.

Ayes—Chaffee, Chilcott, Garcia, Holly, Noteware and Steele—6.

Noes—Barela, Beach, Fosher, Hamilton, Hanscome, Harbour, Hayes, Kenyon, Martine, Oakes, Powell, Scudder, Slaughter, Stone, Whittemore, Wilhite and Witter—17.

Ayes 6, noes 17.

So the decision of the chair was not sustained.

The question being on Mr. Chaffee's amendment,

Ayes and noes called for.

Ayes—Barela, Chaffee, Fosher, Hamilton, Hanscome, Harbour, Hayes, Kenyon, Oakes, Powell, Steele, Whittemore, Witter and Mr. Speaker—14.

Noes—Beach, Chilcott, Garcia, Holly, Martine, Noteware, Scudder, Slaughter, Stone and Wilhite—10.

Ayes 14, noes 10.

So the amendment was carried.

The question being upon adopting the report as amended,

It was carried.

Mr. Chaffee moved that the bill be ordered engrossed.

Mr. Slaughter moved to indefinitely postpone.

Mr. Holly moved to recommit the bill to a special committee of five.

Mr. Speaker declared the motion to recommit not in order.

Mr. Holly took an appeal from the decision of the chair.

The question being shall the House stand by the decision of the chair?

Mr. Holly withdrew his appeal.

Mr. Holly moved to amend the rules of the House so as to strike out "correct" and insert "commit" in rule 8th.

Mr. Holly moved to refer the matter to a special committee of five.

Mr. Hayes moved to amend by recommitting to the same committee.

Amendment accepted.

Mr. Kenyon moved to lay the motion upon the table.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Fosher, Garcia, Hamilton, Hayes, Kenyon, Martine, Powell, Stone, Witter and Mr. Speaker—13.

Noes—Chilcott, Hanscome, Harbour, Holly, Noteware, Oakes, Scudder, Slaughter Steele, Whittemore, Wilhite—11.

Ayes 13, noes 11.

So the motion was laid on the table.

The question being upon ordering the bill engrossed for a third reading.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Garcia, Hamilton, Kenyon, Martine, Powell, Stone, Whittemore, Witter and Mr. Speaker—12.

Noes—Chilcott, Fosher, Hanscome, Harbour, Hayes, Holly, Noteware, Oakes, Scudder, Slaughter, Steele and Wilhite—12.

Ayes 12, noes 12.

So the motion did not prevail.

Mr. Wilhite moved to adjourn.

Lost.

Mr. Holly moved to recommit the bill to the same committee.

Mr. Wilhite moved to amend by recommitting the bill to special committee of five to be appointed by the chair.

Lost.

The original motion was also lost.

Mr. Witter moved that the bill be considered engrossed.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Garcia, Hamilton, Kenyon, Martine, Powell, Stone and Witter—10.

Noes—Chaffee, Fosher, Hanscome, Harbour, Hayes, Holly, Noteware, Oakes, Scudder, Slaughter, Steele, Whittemore, Wilhite and Mr. Speaker—14.

Ayes 10, noes 14.

So the motion did not prevail.

Mr. Noteware moved to reconsider the vote whereby the bill was not ordered engrossed.

Carried.

The question was reconsidered.

Shall the bill be ordered engrossed for a third reading?

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Garcia, Hamilton, Hanscome, Kenyon, Martine, Noteware, Powell, Slaughter, Stone, Whittemore, Witter and Mr. Speaker—17.

Noes—Harbour, Hayes, Holly, Oakes, Scudder, Steele and Wilhite—7.

Ayes 17, noes 7.

So the motion to order the bill engrossed prevailed.

Mr. Wilhite moved the House adjourn.

Carried.

TUESDAY, AUGUST 12th, 1862.

House met at 9 o'clock, a. m.

Speaker in the Chair.

Prayer by the Chaplain.

Roll of the House called.

Absent—Noteware, Oakes, Powell, Scudder, Steele and Wilhite.

Reading of the journal dispensed with and referred to committee of printing.

Consideration of bills reported back by committees resumed.

H. B. No. 109, a bill to amend "An act concerning evidence and depositions,"

Was read.

Mr. Hanscome moved that the report of the committee be adopted.

Ayes and noes called for.

Ayes—Barela, Chaffee, Fosher, Gallejos, Garcia, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Oakes, Scudder, Slaughter, Stone, Whittemore and Mr. Speaker—17.

Noes—Beach, Chilcott, Hamilton, Powell and Witter—5.

Ayes 17, noes 5.

So the report of the committee was adopted.

Messrs. Powell and Scudder appeared and took theirseats.

H. B. No. 89, a bill for an act for the protection of mining claims out of mining season,

Was read.

Mr. Fosher moved to amend by striking out "county" in 17th line, and inserting "district."

Ayes and noes called for.

Ayes—Fosher, Harbour, Slaughter, Stone, Whittemore and Witter—6.

Noes—Barela, Beach, Chaffee, Chilcott, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Oakes, Powell, Scudder and Mr. Speaker—16.

Ayes 6, noes 16.

So the amendment did not prevail.

Mr. Stone moved to recommit the bill to the committee of mines and minerals.

Carried.

H. B. No. 92, a bill for an act to amend an act entitled "An act organizing treasury department,"

Was read.

Mr. Holly moved that the bill be ordered engrossed.

Carried.

H. B. No. 91, a bill for an act to amend an act entitled "An act concerning justice of the peaces and constables,"

Was read, with the report of the committee and amendments proposed by them.

Mr. Stone moved the adoption of the report of the committee.

Mr. Chilcott being called to the chair,

Mr. Speaker moved to amend by striking out the last section in the report.

Carried.

Mr. Speaker offered the following, as an additional section, and moved its adoption.

"Upon a change of venue being had, or an appeal being taken, the justice may issue a fee bill against either party for the costs made by such party."

Adopted.

Mr. Martine moved to amend Sec. 1, by reducing the bond of justices of the peace to one thousand dollars.

Lost.

The question being upon adopting report as amended,

It was adopted.

Mr. Witter offered the following as additional sections:

1. That suit shall be commenced before justices of the peace in the township in which the debtor or person sued resides, unless the cause of action accrued in the township in which the plaintiff resides, in which case the suit may be commenced where the cause of action accrued, or is specifically made payable.

2. If no justice of the peace shall reside in the township in which the defendant resides, or in which the cause of action accrued, then suit shall be brought before the justice of the peace, nearest to the residence of such debtor within the county.

3. Plaintiffs shall, in all cases, be allowed a change of venue

in the same manner as is now provided by law for defendants.

4. Each and every justice of the peace shall reside and hold his office in the township and precinct in and for which he was elected.

Mr. Holly moved to amend by striking out "plaintiffs shall be entitled to change of venue," etc.

Lost.

Question being upon the adoption of Mr. Witter's amendment,

It was adopted.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, COL. TER.
DENVER, Aug. 11th, 1862.

To the Hon. Speaker of the House of Representatives:

SIR: I have this day approved and signed acts entitled

An act authorizing the dismissal of causes in vacation.

An act amendatory of an act entitled "An act concerning ejectments," approved November 7th, 1861.

Joint Memorial to Congress of the United States to have laws printed in the Spanish language.

Respectfully,

JOHN EVANS, Governor.

Mr. Speaker moved that the bill be ordered engrossed.

Carried.

H. B. No. 98, a bill for an act to repeal an act locating the seat of government of Colorado Territory,

Was read.

Mr. Hayes moved to consider the bill engrossed and put upon its final passage.

Mr. Beach moved to amend by making it the special order for to-morrow at 2 o'clock, p. m.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Holly, Martine, Powell, Stone and Mr. Speaker—11.

Noes—Chaffee, Hamilton, Hanscome, Harbour, Hayes, Kenyon, Noteware, Oakes, Scudder, Slaughter, Steele, Whittemore, Wilhite and Witter—14.

Ayes 11, noes 14.

So the amendment did not prevail.

Mr. Hayes withdrew his motion.

Mr. Witter moved the following as an additional section:

Sec. —. The seat of government is hereby located at Denver City, in Arapahoe County.

Mr. Speaker moved to strike out "Denver," and insert "Laurette."

Mr. Speaker resumed the chair.

The question being taken on inserting "Laurette,"

It was lost.

The question being on locating at Denver,

Ayes and noes called for.

Ayes—Chaffee, Hamilton, Hanscome, Harbour, Hayes, Noteware, Oakes, Scudder, Slaughter, Steele, Whittemore, Wilhite and Witter—13.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Holly, Kenyon, Martine, Powell, Stone and Mr. Speaker—12.

Ayes 13, noes 12.

So the amendment prevailed.

Mr. Chilcott moved to refer to a select committee of three.

Ayes and noes called for.

Ayes—Beach, Chilcott, Fosher, Holly, Kenyon, Powell, Stone and Mr. Speaker—8.

Noes—Barela, Chaffee, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Martine, Noteware, Oakes, Scudder, Slaughter, Steele, Whittemore, Wilhite and Witter—17.

Ayes 8, noes 17.

So the motion did not prevail.

Mr. Witter moved that the bill be considered engrossed for third reading.

Ayes and noes called for.

Ayes—Chaffee, Hamilton, Hanscome, Harbour, Hayes, Noteware, Oakes, Scudder, Slaughter, Steele, Whittemore, Wilhite and Witter—13.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Holly, Kenyon, Martine, Powell, Stone and Mr. Speaker—12.

Ayes 13, noes 12.

So the motion prevailed.

C. B. No. 19, to amend an act providing for the collection of the revenue,

Was read.

Mr. Holly moved that the report be adopted.

Carried.

Mr. Whittemore moved that the bill be ordered to a third reading.

Carried.

H. J. M. No. 5, relating to the rebellion,

With bill reported by the committee,

Were read.

Mr. Holly moved that the bill and the two resolutions be ordered engrossed.

Carried.

H. B. No. 100, a bill for an act to incorporate the Cold Spring Valley Road Company,

Was read.

Mr. Kenyon moved that the bill be indefinitely postponed.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Hamilton, Kenyon, Martine, Oakes, Powell, Slaughter, Stone and Mr. Speaker—12.

Noes—Chaffee, Gallejos, Garcia, Hanscome, Harbour, Hayes, Holly, Steele, Whittemore, Wilhite and Witter—11.

Ayes 12, noes 11.

So the bill was indefinitely postponed.

H. B. No. 104, a bill for an act to amend an act incorporating the Camp Weld and Denver Ditch and Water Company,

Was read.

Mr Witter moved to strike out Sec. 2, and insert

"The said ditch shall be completed within eighteen months from the passage of this act."

Adopted.

Mr. Holly moved to amend as follows:

Amend Sec. 2, by striking out "twenty," in the first line, and inserting "ten."

Adopted.

Mr. Holly moved to strike out Sec. 5 in original, and insert as follows:

"The said company shall be allowed to charge and collect the rates per square inch allowed the Eldorado Ditch Company, incorporated at this session of the legislature."

Ayes and noes called for.

Ayes—Barela, Chaffee, Chilcott, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Martine, Oakes, Powell, Steele, Stone, Whittemore and Witter—16.

Noes—Beach, Fosher, Harbour, Noteware, Scudder, Wilhite and Mr. Speaker—7.

Ayes 16, noes 7.

So the amendment was adopted.

Mr. Holly moved to amend as follows:

"The said company shall be compelled to furnish water for irrigation to ranchmen and others whenever they have water in their ditch unsold, at the rates herein prescribed."

Mr. Hamilton moved to amend the amendment as follows:

"That said company, when furnishing water to ranchmen, farmers, gardeners and others cultivating lands, shall charge but three dollars per acre per year."

Adopted.

Mr. Wilhite moved that the bill be ordered engrossed.

Carried.

H. B. No. 105, a bill for an act to incorporate the Golden City Water Company,

Was read.

Mr. Witter moved to suspend the rules of order, so as to close the order of consideration of bills reported back by committees, and take up the order of third reading of bills.

Carried.

So the rules were suspended.

Third reading of bills:

H. B. No. 73, for a code,

Was taken up to be read, whereupon

Mr. Chaffee move to adjourn.

Ayes and noes called for.

Ayes—Barela, Chaffee, Chilcott, Gallejos, Garcia, Harbour, Hayes, Kenyon, Martine, Noteware, Oakes, Scudder, Steele, Whittemore, Wilhite, Witter and Mr. Speaker—17.

Noes—Beach, Fosher, Hamilton, Hanscome, Holly, Powell, Slaughter and Stone—8.

Ayes 17, noes 8.

So the House adjourned.

AFTERNOON SESSION.

House met at 2 o'clock pursuant to adjournment.

Speaker in the chair.

Quorum present.

Third reading of bills:

H. B. No. 73,

Resumed.

Mr. Hamilton moved that the further reading be dispensed with.

Carried.

Mr. Holly moved a call of the House.

Carried.

Roll called.

Absent—Messrs. Beach, Chaffee, Harbour, Noteware, Steele, Stone and Witter.

The sergeant-at-arms was dispatched for the absentees.

Mr. Whittemore was called to the chair.

Mr. Hayes moved that further proceedings under the call be dispensed with.

Carried.

Mr. Slaughter moved that the bill be indefinitely postponed.

Ayes and noes called for.

Ayes—Beach, Chaffee, Fosher, Garcia, Hamilton, Hayes, Kenyon, Noteware, Oakes, Slaughter, Steele, Whittemore, Wilhite and Mr. Speaker—14.

Noes—Barela, Chilcott, Gallejos, Hanscome, Harbour, Holly, Martine, Powell, Scudder, Stone and Witter—11.

Ayes 14, noes 11.

So the motion prevailed, and

The bill was indefinitely postponed.

Mr. Speaker resumed the chair.

H. J. R. No. 3, asking Congress to amend the Organic Act so as to extend the jurisdiction of Probate and Justices' Courts,

Was read.

Vote on final passage.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Noteware, Oakes, Powell, Slaughter, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—22.

Ayes 22 noes none.

So the resolution passed, and

Title agreed to.

H. J. M. No. 6, a memorial to the P. M. General for a tri-weekly mail to Boulder City.

Vote on final passage.

Ayes—Barela Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes,, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—23.

Ayes 23, noes none.

So the memorial passed, and

Title agreed to.

H. B. No. 80, a bill for an act making appropriations for the current and contingent expenses of Colorado Territory, for the fiscal year ending Dec. 31, 1862,

Was being read.

Mr. Fosher moved that the further reading of the bill be dispensed with.

Ayes and noes called for.

Ayes—Barela, Beach, Fosher, Gallejos, Garcia, Hamilton, Kenyon, Noteware, Oakes, Scudder, Slaughter, Stone, Whittemore and Mr. Speaker—14.

Noes—Chaffee, Chilcott, Hanscome, Harbour, Hayes, Holly, Martine, Powell, Wilhite and Witter—10.

Ayes 14, noes 10.

So the motion prevailed.

Vote on final passage.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Witter and Mr. Speaker—22.

Noes—Harbour, Martine and Wilhite—3.

Ayes 22, noes 3.

So the bill passed, and title agreed to.

H. B. No. 83, a bill for an act to amend an act creating a lien in favor of mechanics in certain cases,

Was read.

Mr. Slaughter was called to the chair.

Mr. Wilhite moved that the further consideration of the bill be indefinitely postponed.

Ayes and noes called for.

Ayes—Chaffee, Hayes, Kenyon, Scudder, Slaughter, Steele, Whittemore, Wilhite and Mr. Speaker—9.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton,, Hanscome, Harbour, Holly, Martine, Noteware, Oakes, Powell, Stone and Witter—16.

Ayes 9, noes 16.

So the motion did not prevail.

Vote on final passage.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Holly Martine, Oakes, Powell, Stone and Witter—15.

Noes—Chaffee, Hayes, Kenyon Noteware, Scudder, Slaughter, Steele, Whittemore, Wilhite and Mr. Speaker—10.

Ayes 15, noes 10.

So the bill passed,

Title agreed to.

C. B. No. 13, a bill authorizing appointment of county commissioners in special cases,

Was read.

Vote on final passage.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Noteware, Oakes, Steele, Stone, Whittemore and Witter—19.

Noes—Kenyon, Powell, Slaughter, Wilhite and Mr. Speaker—5.

Ayes 19, noes 5.

So the bill passed,

Title agreed to.

H. B. No. 108, a bill for an act to amend an act entitled "An act concerning forcible entries and unlawful detainer,"

Was read.

Vote on final passage.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Steele, Stone and Wilhite—21.

Noes—Slaughter, Whittemore Witter and Mr. Speaker—4.
Ayes 21, noes 4.
So the bill passed,
Title agreed to.

H. B. No. 125, a bill for an act to enable citizens of Colorado Territory in the military service of the United States to vote,

Was read.

Mr. Hanscome moved the adoption of the following, as an addition to section 3:

Provided, that when there is more than one company in a fort or barracks, or any other place, the highest officer in command shall appoint three judges and two clerks, and there shall be only one poll open for said companies or regiment.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Hamilton, Hanscome, Martine, Noteware, Scudder, Steele and Whittemore—10.

Noes—Chilcott, Fosher, Gallejos, Garcia, Harbour, Holly, Kenyon, Oakes, Powell, Slaughter, Stone, Wilhite, Witter and Mr. Speaker—14.

Ayes 10, noes 14.

Lost.

Vote on final passage.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Steele, Stone, Whittemore, Witter and Mr. Speaker—23.

Noes—Slaughter and Wilhite—2

Ayes 23, noes 2,

So the bill passed,

Title agreed to.

Mr. Whittemore from committee on engrossment, submitted the following report:

MR. SPEAKER: Your committee on engrossment report H. B. Nos. 78, 104, 110, 111 and 114, correctly engrossed.

O. A. WHITTEMORE, Ch'n.

Report received.

H. B No. 115, a bill for an act to regulate and establish rates of charges for the publication of legal documents,

Was read.

Vote on final passage.

Ayes—Barela, Beach, Chaffee, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite and Witter—22.

Noes—Chilcott and Harbour—2.

Ayes 22, noes 2.

Bill passed,

Title agreed to.

H. B. No. 98, a bill for an act to repeal an act entitled "An act to locate the seat of government of Colorado Teritory."

Was read.

Mr. Kenyon moved the adoption of the following resolution:

Resolved, That section 2 be stricken out and the following inserted as a new section:

SEC. 2. That the seat of government of Colorado Territoy, be and the same is hereby located at Golden City, on Clear Creek, in the county of Jefferson.

Mr. Chaffee offered the following as an amendment to Mr. Kenyon's motion;

That the seat of government of this Territory be and the same is hereby located at Central City in the county of Gilpin.

Ayes and noes called for.

Ayes—Chaffee, Hanscome, Hayes, Scudder, Slaughter, Whittemore and Mr. Speaker.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Harbour, Holly Kenyon, Martine, Noteware, Oakes, Powell, Steele, Stone, Wilhite and Witter.

Ayes 7, noes 18.

So the amendment of Mr. Chaffee did not prevail.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 12th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council, has passed the following bills without amendment, viz:

H. B. No. 117, a bill for an act to invest religeous societies with certain powers of bodies corporate.

C. B. No. 42, a bill for an act to increase the revenue.

Also,

C. B. No. 36, a bill for an act to prevent the sale of intoxicating liquors to soldiers,

Also,

H. J. M. No. 8, a bill relating to Union Pacific Railroad Company.

Also,

C. B. No. 26, a bill for an act to authorize Marino Medina and Louis Papa, to keep a toll bridge across Big Thompson Creek, at the Laramie crossing.

Also,

C. B. No, 40, a bill for an act to create a fund for the benefit of schools.

Also,

C. B. No. 38, a bill for an act to protect the rights of persons settled upon any of the public lands of Colorado Territory.

Also,

H. B. No. 69, a bill for an act to incorporate the Colorado Town Company.

Also,

H. B. No. 28, a bill for an act to incorporate the Pueblo Town Company.

And the concurrence of your honorable body is respectfully requested. Very respectfully,

JOHN HOWARD,
Sec'y of Council.

Ayes and noes on Mr. Kenyon's resolution.

Ayes—Barela, Beach, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Powell, Slaughter, Steele, Stone and Mr. Speaker—14.

Noes—Chaffee, Chilcott, Hanscome, Harbour, Hayes, Noteware, Oakes, Scudder, Whittemore, Wilhite and Witter—11.

Ayes 14, noes 11.

So the motion prevailed.

Vote on the final passage of H. B. No. 98.

Ayes—Chaffee, Fosher, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Oakes, Scudder, Slaughter, Steele, Stone, Whittemore, Witter and Mr. Speaker—16.

Noes—Barela, Beach, Chilcott, Gallejos, Garcia, Harbour, Noteware, Powell and Wilhite—9.

Ayes 16, noes 9.

So the bill passed.

The title was amended so as to read

"A bill for an act to repeal an act entitled 'An act to locate the seat of government of Colorado Territory,' and to locate the same."

Title as amended agreed to.

H. J. M. N. 7, a bill for a grant of land to the University of Colorado,

Was read,

Vote on final passage.

Ayes—Beach, Chaffee, Chilcott, Fosher, Holly, Slaughter and Stone—7.

Noes—Barela, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Steele, Whittemore, Wilhite, Witter and Mr. Speaker—18.

Ayes 7 noes 18.

So the memorial did not pass.

C. B. No. 19, a bill for an act to amend an act entitled "An act providing for the collection of the revenue,"

Was read.

Vote on final passage.

Ayes—Barela, Beach, Chaffee, Gallejos, Garcia, Harbour, Hayes, Martine, Noteware, Oakes, Scudder, Steele, Stone, Whittemore and Wilhite—15.

Noes—Chilcott, Fosher, Holly, Kenyon, Powell, Slaughter, Witter and Mr. Speaker—8.

Ayes 15, noes 8.

Bill passed and title agreed to.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 12th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

H. B. No. 33, a bill for an act to amend an act entitled "An act regulating the fees of officers, jurors and witnesses," approved Nov. 8th, 1861.

Also,

H. B. No. 56, a bill for an act to incorporate the Platte Cañon and Deer Creek Water, Ditch and Milling Company.

JOHN HOWARD,
Sec'y of the Council.

H. B. No. 113, a bill for an act which provides that the laws of the Territory shall not be enforced in Conejos and Costilla counties until said laws be printed in Spanish.

Was read.

Vote on final passage.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hayes, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Steele, Stone, Wilhite and Witter—18.

Noes—Harbour, Holly, Scudder, Whittemore and Mr. Speaker—5.

Ayes 18, noes 5.

So the bill passed.

Title agreed to.

Leave being granted, Mr. Wilhite moved that the enrolling clerk be authorized to procure the services of assistant enrolling clerks, sufficient to keep the bills enrolled that may be presented to him each day, at a price not to exceed fifteen cents per folio.

Carried.

Mr. Holly moved that the House adjourn till 8 o'clock this evening.

Lost.

Mr. Barela moved that the House adjourn till to-morrow morning at 8 o'clock.

Carried.

WEDNESDAY, August 13th, 1862.

House met at 8 o'clock, a. m.

Speaker in the chair.

Roll called.

Absent—Messrs. Beach, Chaffee, Hayes, Scudder, Steele.

Reading of the journal was dispensed with, and

Referred to committee of printing.

H. B. No. 110, a bill for an act to amend an act concerning criminal jurisprudence,

Was read.

Vote on final passage:

Ayes—Barela, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Holly, Kenyon, Noteware, Oakes, Powell, Stone, Whittemore, Wilhite and Mr. Speaker—17.

Noes—Slaughter and Witter—2.

Ayes 17, noes 2.

So the bill passed and title agreed to.

H. B. No. 111, a bill for an act to apportion the Territory of Colorado into Council and Representative districts,

Was read.

Mr. Holly moved to amend by striking out the section relating to the Fifth Representative District, and insert in lieu thereof as follows:

"The Fifth Representative District shall consist of the counties of Boulder and Jefferson, and shall be entitled to one representative."

Mr. Hanscome moved a call of the House.

Carried.

Roll called.

Absent—Messrs. Beach, Chaffee, Hayes and Steele.

The sergeant-at-arms was dispatched for the absentees.

Messrs. Beach, Chaffee and Hayes appeared and took their seats.

Mr. Kenyon moved that further proceedings under the call be dispensed with.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Wilhite and Mr. Speaker—14.

Noes—Hanscome, Harbour, Scudder, Slaughter, Whittemore and Witter—6.

Ayes 14, noes 6.

The question being upon the amendment of Mr. Holly,

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Gallejos, Holly, Kenyon, Noteware, Oakes, Powell, Stone and Wilhite—11.

Noes—Chaffee, Fosher, Garcia, Hamilton, Hanscome, Harbour, Hayes, Martine, Scudder, Slaughter, Steele, Whittemore and Mr. Speaker—13.

Ayes 11, noes 13.

Lost.

Mr. Witter was excused.

Mr. Steele appeared and took his seat.

Mr. Holly moved to amend by striking out "the Fifth Representative District," and inserting as follows:

"The Fifth Representative District shall consist of Boulder and Gilpin counties, which shall be entitled to one representative."

Mr. Chaffee offered the following as an amendment:

Amend by striking out "the Fifth Representative District." Strike out "the Sixth Representative District," and insert the same with the words "five representatives."

Ayes and noes called for.

Ayes—Chaffee, Fosher, Hamilton, Hanscome, Harbour, Hayes, Kenyon, Slaughter and Whittemore—9.

Noes—Barela, Beach, Chilcott, Gallejos, Garcia, Holly, Martine, Noteware, Oakes, Powell, Scudder, Steele, Stone and Mr. Speaker—14.

Ayes 9, noes 14.

So the amendment was lost.

The question recurring upon the motion of Mr. Holly,

Ayes and noes were called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hanscome, Harbour, Holly, Martine, Scudder, Steele, Stone and Whittemore—15.

Noes—Hamilton, Hayes, Kenyon, Noteware, Oakes, Powell, Slaughter and Mr. Speaker—8.

Ayes 15, noes 8.

So the amendment prevailed.

Mr. Slaughter moved the adoption of the following:

Sec. 13. The Second Representative District shall include the counties of Arapahoe and Douglas, and shall be entitled to four representatives.

Sec. 25. The Fourteenth Representative District shall include the counties of Pueblo and El Paso, and shall be entitled to one representative.

Sec. 23. The Twelfth Representative District shall include the counties of Costilla and Huerfano, and shall be entitled to two representatives.

Mr. Wilhite, from committee on enrollment, reported as follows:

MR. SPEAKER: The committee on enrollment report the following bills correctly enrolled:

H. B. No. 8, relating to the Union Pacific Railroad and Telegraph Company.

H. B. No. 28, to incorporate the Pueblo Town Company.

H. B. No. 33, a bill for an act entitled "An act regulating the fees of officers, jurors and witnesses," approved November 8th, 1861.

H. B. No. 56, to incorporate the Platte Cañon and Deer Creek Water, Ditch and Milling Company.

H. B. No. 69, to incorporate the Colorado Town Company.

H. B. No. 47, to invest religious societies with certain powers of bodies corporate.

All of which is respectfully submitted.

E. S. WILHITE, Ch'n.

Report received.

Ayes and noes called for.

Ayes—Chaffee, Hamilton, Hanscome, Harbour, Hayes, Kenyon, Noteware, Oakes, Scudder, Slaughter, Steele, Whittemore and Wilhite—13.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Holly, Martine, Powell, Stone and Mr. Speaker—11.

Ayes 13, noes 11.

So the amendments were adopted.

Vote on the final passage:

Ayes—Chaffee, Fosher, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Noteware, Oakes, Scudder, Slaughter, Steele, Whittemore, Wilhite and Mr. Speaker—16.

Noes—Barela, Beach, Chilcott, Gallejos, Garcia, Martine, Powell and Stone—6.

Ayes 16, noes 6.

So the bill passed and the title was agreed to.

H. B. No. 114, a bill for an act relative to pleadings in certain actions,

Was read.

Vote on final passage:

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—22.

Ayes 22, noes none.

So the bill passed and the title was agreed to.

H. B. No. 78, a bill for an act to enable road, ditch, manufacturing, and other companies to become bodies corporate,

Was taken up.

Mr. Holly moved that the bill be considered read.

Carried.

Mr. Holly moved to fill the blanks in Sec. 2 with the words "any number of."

Carried.

Mr. Whittemore moved to fill the blank in Section 6 with "ten."

Carried.

Mr. Witter moved to fill the remaining blanks, relating to persons, with "any number of."

Carried.

Mr. Kenyon moved to fill the blank in Sec. 18, with "six months."

Mr. Hayes moved to fill with "three months."

Mr. Witter moved to fill with "nine months."

Ayes and noes called for.

Ayes—Barela, Beach, Fosher, Gallejos, Garcia, Kenyon, Powell, Scudder, Slaughter, Steele, Witter Mr. Speaker—12.

Noes—Chaffee, Chilcott, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Stone, Whittemore and Wilhite—11.

Ayes 12, noes 11.

So the motion prevailed, and

The blank was filled with "nine months."

Mr. Whittemore moved that the blank in Sec. 23, be filled with "two hundred and fifty feet."

Carried.

Mr. Slaughter moved to fill the second blank in Sec. 23, with "two hundred feet."

Lost.

Mr. Hanscome moved to fill with "one hundred feet."

Ayes and noes called for.

Ayes—Barela, Garcia, Hamilton, Hanscome, Harbour, Hayes, Kenyon, Martine, Noteware, Slaughter, Stone, Whittemore and Witter—13.

Noes—Beach, Chaffee, Chilcott, Fosher, Gallejos, Holly, Powell, Steele, Wilhite and Mr. Speaker—10.

Ayes 13, noes 10.

So the motion prevailed.

Mr. Holly moved to strike out all of the section giving one hundred feet on each side of tunnel, and insert "right of way."

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Harbour, Holly, Martine and Mr. Speaker—11.

Noes—Hamilton, Hanscome, Hayes, Kenyon, Noteware, Powell, Slaughter, Steele, Stone, Whittemore, Wilhite and Witter—12.

Ayes 11, noes 12. Lost.

Vote on final passage of bill.

Ayes—Barela, Beach, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Noteware, Powell, Scudder, Steele, Stone and Whittemore—16.

Noes—Chaffee, Chilcott, Fosher, Gallejos, Slaughter, Wilhite, Witter and Mr. Speaker—8.

Ayes 16, noes 8.

Bill passed and titled agreed to.

H. B. No. 54, a bill for an act to incorporate the Cache la Poudre and Platte River Bridge Company,

Was taken up for a third reading.

Mr. Holly moved to suspend the rules so as to close the third reading and open on consideration of bills reported back by committees. Lost.

Mr. Holly offered the following resolution, and moved its adoption:

Resolved, That the bills now referred to the committee of the whole be taken therefrom and placed on the calendar for consideration.

Adopted.

Mr. Noteware moved that H. B. No. 54 be considered read.

Carried.

Vote on final passage.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Holly, Kenyon, Martine, Noteware, Powell, Scudder, Slaughter, Steele, Stone, Wilhite and Witter—19.

Noes—Chaffee, Harbour, Hayes, Whittemore and Mr. Speaker—5.

Ayes 19, noes 5. Bill passed, title agreed to.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, Aug. 13th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

H. B. No. 21, a bill for an act to incorporate the Cañon City Bridge Company."

Also,

H. B. No. 27, an act to organize the militia of Colorado Territory, and to repeal the act entitled "An act to organize the militia," approved Oct. 18th, 1861, without amendment.

Very respectfully,

JOHN HOWARD,

Secretary of the Council.

H. B. No. 68, a bill to incorporate Hamilton Flume and Tunnel Company,

Was taken up for a third reading.

Mr. Beach moved that the further reading be dispensed with.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Gallejos, Garcia, Hamilton, Harbour, Hayes, Martine, Noteware, Oakes, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—19.

Noes—Chaffee, Fosher, Hanscomc, Holly and Powell—5.

Ayes 19, noes 5.

Carried.

Vote on final passage.

Ayes—Barela, Beach, Chilcott, Gallejos, Garcia, Hamilton, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Wilhite and Witter—17.

Noes—Chaffee, Fosher, Hanscome, Harbour, Hayes, Whittemore and Mr. Speaker—7.

Ayes 17, noes 7.

Bill passed, title agreed to.

H. B. No. 93, a bill to incorporate South Platte and Fontaine qui Bouille Ditch Company,

Was read.

Mr. Beach offered the following and moved its adoption:

Strike out Sec. 12, and insert in place thereof "That said ditch company shall not take water out of the said branch of Platte river, at any time when it may be needed for irrigating the farms situated on said branch of Platte river."

Adopted.

Mr. Beach moved that the bill be laid on the table till 2 o'clock to-day.

Carried.

H. B. No. 99, a bill to change the name of Gilpin county,

Was read.

Vote on final passage.

Ayes—Barela, Chaffee, Chilcott, Gallejos, Garcia, Hamil-

;on, Hanscome, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Steele, Stone, Whittemore, Wilhite and Wit-;er—19.

Noes—Beach, Fosher, Harbour, Kenyon, Slaughter, and Mr. Speaker—6.

Ayes 19, noes 6.

Bill passed and title agreed to.

H. B. No. 106, a bill to incorporate the Idahoe and Mis-;ouri City Wagon Road Company,

Was read.

Vote on final passage.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Holly, Kenyon, Martine, Oakes, Powell, Scudder, Steele and Wilhite—17.

Noes—Harbour, Stone, Whittemore and Mr. Speaker—4.

Ayes 17, noes 4.

Bill passed and title agreed to.

H. B. No. 102, a bill to incorporate the Beaver Creek Min-;ng Company,

Was taken up for a third reading.

Mr. Stone moved that the further reading of the bill be dispensed with. Carried.

Vote on final passage.

Ayes—Barela, Beach, Chilcott, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone and Wilhite—17.

Noes—Chaffee, Fosher, Hanscome, Harbour, Whittemore, Witter and Mr. Speaker—7.

Ayes 17, noes 7.

Bill passed and title agreed to.

H. B. No. 104, a bill to amend act incorporating the Camp Weld and Denver Ditch and Water Company,

Was read.

Vote on final passage.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite and Witter—21.

Noes—Chaffee, Harbour and Mr. Speaker—3.

Ayes 21, noes 3.

Bill passed and title agreed to.

Mr. Whittemore, from the committee of engrossment, reported as follows:

Mr. SPEAKER: The committee on engrossment report H. B. Nos. 91, 92 and 120 correctly engrossed.

O. A. WHITTEMORE, Ch'n.

Report received.

H. B. No. 91, a bill to amend act concerning justices of the peace and constables,

Was read.

Vote on final passage.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—24.

Ayes 24, noes none.

Bill passed and title agreed to.

H. B. No. 92, a bill to amend act organizing treasury department,

Was read.

Mr. Holly offered the following additional section:

"Provided that the first election under this act shall not take place until the general election in the year 1863."

Adopted.

Vote on the final passage of H. B. No. 92.

Ayes—Barela, Chaffee, Chilcott, Gallejos, Hamilton, Hanscome, Harbour, Holly, Martine, Powell, Scudder, Slaughter, Steele, Stone and Whittemore—15.

Noes—Beach, Fosher, Garcia, Noteware, Witter and Mr. Speaker—6.

Ayes 15, noes 6.

Bill passed and title agreed to.

Mr. Martine moved to adjourn till 2 o'clock, p. m.

Carried.

AFTERNOON SESSION.

House met at 2 o'clock pursuant to adjournment.

Speaker in the chair.

Quorum present.

Third reading of bills:

H. B. No. 93, a bill for an act to incorporate the South Platte and Fontaine qui Bouille Irrigating and Ditch Company,

Was read.

Mr. Beach moved to strike out Sec. 3 and insert the following in lieu thereof:

Sec. 3. Said corporation shall have for ten years the exclusive privilege of carrying water for farming and irrigating purposes by a line of ditch or canal, to commence at the nearest and most practicable point on the said Platte river, or the south branch thereof, at or near the eastern edge of the South Park, and end at a point where the water of said Platte river

will discharge itself into the Fontaine qui Bouille valley, upon the completion of said ditch. And further, that they shall have the exclusive right of way along the line of said ditch or canal for a distance of ten rods on each side of the same, and the free use of the stone and timber along said ditch, for the purpose of constructing and keeping in repair said ditch and the works pertaining thereto.

Adopted.

Vote on final passage.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Noteware, Scudder, Slaughter, Steel, Stone, Wilhite and Witter—17.

Noes—Hanscome, Harbour, Hayes, Whittemore and Mr. Speaker—5.

Ayes 17, noes 5.

Bill passed, and

Title agreed to.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, COL. TER.
DENVER, August 13th, 1862.

To the Hon. the Speaker of the House of Representatives:

SIR: I have this day approved and signed acts entitled,

An act to amend an act entitled "An act regulating the fees of officers, jurors and witnesses," approved November 8th, 1861.

An act to incorporate the Platte Cañon and Deer Creek Water, Ditch and Milling Company.

An act to incorporate the Colorado Town Company.

An act to incorporate the Pueblo Town Company.

An act to invest religious societies with certain powers of bodies corporate.

Joint Resolution relating to Union Pacific Railroad and Telegraph Company

Respectfully,
JOHN EVANS, Governor.

H. B. No. 120, a bill for an act to amend an act entitled "An act relating to Notaries Public,"

Was taken up.

Mr. Stone moved that the further reading of the bill be dispensed with.

Carried.

Vote on final passage.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Note-

ware, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—21.

Noes—Harbour and Witter—2.

Ayes 21, noes 2,

So the bill passed, and

Title agreed to.

Mr. Kenyon moved that C. B. No. 2, a bill for an act incorporating the Golden Gate and Gregory Wagon Road Company, be placed in order for a third reading.

Carried.

C. B. No. 2, a bill for an act incorporating the Golden Gate and Gregory Wagon Road Company,

Was taken up for a third reading.

Mr. Stone moved that the reading of the bill be dispensed with.

Ayes and noes called for.

Ayes—Barela, Beach, Gallejos, Hamilton, Holly, Kenyon, Martine, Noteware, Slaughter, Stone and Mr. Speaker—11.

Noes—Chaffee, Chilcott, Fosher, Garcia, Hanscome, Harbour, Hayes, Powell, Scudder, Steele, Whittemore, Wilhite and Witter—13.

Ayes 11, noes 13.

Lost.

Bill was read.

Mr. Chaffee moved to strike out section 7 and insert a similar section with the words "fifty cents" in place of "sixty-five cents," and "ten cents" in place of "fifteen cents."

Ayes and noes called for.

Ayes—Chaffee, Fosher, Garcia, Hanscome, Harbour, Hayes, Holly, Noteware, Steele, Whittemore and Witter—11.

Noes—Barela, Beach Chilcott, Gallejos, Hamilton, Kenyon, Martine, Powell, Scudder, Slaughter, Stone, Wilhite and Mr. Speaker—13.

Ayes 11, noes 13.

Lost.

Mr. Chaffee moved to strike out Sec. —, and insert another similar with the exception of the year, which shall be five years.

Ayes and noes called for.

Ayes — Chaffee, Fosher, Garcia, Hanscome, Harbour, Hayes, Holly, Scudder, Steele Whittemore and Witter—11.

Noes—Barela, Beach, Chilcott, Gallejos, Hamilton, Kenyon, Martine, Noteware Powell, Slaughter, Stone, Wilhite and Mr. Speaker—13.

Ayes 11, noes 13.— Lost.

Mr. Chaffee moved the adoption of the following additional section:

Whenever the Territory or county through which the said road passes shall choose to purchase said road they shall be allowed to do so, provided they pay a sum equal to the amount of costs of said road, and the owners thereof shall be obliged to sell the same upon the payment to them of the actual costs of said road.

Ayes and noes called for.

Ayes—Chaffee, Fosher, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Scudder, Steele, Witter and Mr. Speaker—13.

Noes—Barela, Beach, Chilcott, Gallejos, Martine, Noteware, Powell, Slaughter, Stone, Whittemore and Wilhite—11.

Ayes 13, noes 11.

Adopted.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER, Aug. 13th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

H. B. No. 5, a bill for an act to incorporte the Tarryall and Arkansas River Wagon Road Company.

Also,

H. B. No. 88, a bill for an act amendatory of an act entitled "An act concerning license," approved November 6th, 1861, with the following amendment:

Add to Section 2, "This act shall extend to and include all theatres, circusses and shows, where an admission fee is charged for entrance thereto.

Sec. 3. No person shall be allowed, by virtue of any such license, to open any place of public amusement, such as a theatre, circus or show, on the Sabbath or Lord's day; but any person who shall so offend on such day, shall be fined in a sum not less than fifty nor more than one hundred dollars for every such offence.

Also,

H. B. No. 98, a bill for an act to repeal an act entitled "An act to locate the seat of government, of Colorado Territory," and to locate the same.

And the concurrence of your honorable body is respectfully requested.

Very respectfully,
JNO. HOWARD,
Secretary of the Council.

The Council has also passed C. B. No. 28, a bill for an act to incorporate the Grass Valley Hydraulic and Mining Companies, with an additional section No. 11.

And the concurrence of your honorable body is respectfully asked.

Very respectfully,
JNO. HOWARD,
Secretary of Council.

Mr. Holly moved to strike out "when required by this act" in Sec. ——, and insert "when demanded."

Carried.

Mr. Hanscome moved the adoption of the following adddditional section:

The Legislature of this Territory shall at any future session have power to reduce the rate of toll to fifty cents on each wagon going over said road.

Ayes and noes called for.

Ayes—Chaffee, Garcia, Hanscome, Harbour, Hayes, Noteware, Scudder, Steele, Whittemore and Witter—10.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Hamilton, Holly, Kenyon, Martine, Oakes, Powell, Slaughter, Stone, Wilhite and Mr. Speaker—15.

Ayes 10, noes 15.

Lost.

Mr Chaffee moved the adoption of following as an additional section:

Whenever any complaint is made regarding the condition of said road, and it shall appear upon the trial of said cause, that the said road is in bad condition, it shall be necessary for said corporation to repair the same so as to be in as good repair as the Enterprise Wagon road, within thirty days after said trial, otherwise it shall be deemed competent for any future Legislature to alter, amend or repeal this act.

Adopted.

Mr. Witter moved to amend the enacting clause by striking out the enacting clause, and inserting the following:

"Be it enacted by the Council and House of Representatives of Colorado Territory."

Adopted.

Vote on final passage of

C. B. No. 2, a bill for an act incorporating the Golden Gate and Gregory Wagon Road Company.

Ayes—Barela, Beach, Chaffee Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, and Wilhite—20.

Noes—Harbour, Hayes, Whittemore, Witter and Mr. Speaker—6.

Ayes 20, noes 5.

Bill pased, and
Title agreed to.
Leave being granted, Mr Chaffee introduced.
H. B. No. 138 a bill for an act supplementary to an act regulating injunctions, approved Nov. 5, 1861.
Mr. Holly moved the adoption of the following resolution:
Resolved, That the rule which requires previous notice to the introduction of bills be suspended during the remainder of this session.
Adopted.
Reports of committees.
Mr. Holly from judiciary committee submited the following report:

To the Hon. House of Representatives:
Your committee on judiciary beg leave to report as follows:
H. B. No. 131, a bill for an act amendatory of an act concerning probate courts,
Should be indefinitely postponed.
H. B. No. 129, a bill for an act to revive certain judgments of the miners' and other courts, by *scire facias*,
Should pass with the following amendment as a new section, viz: (see bill.)
C. B. No. 3, a bill for an act concerning lode claims and quartz mills,
Should be indefinitely postponed.
H. B. No. 130, a bill for an act amendatory of an act concerning wills, executors and administrators,
Should pass with an amendment striking out Sections 96 and 99 in the bill. CHAS. F. HOLLY, Ch'n.

The judiciary committee, to whom sundry petitions from the citizens of Gilpin county, relating to the Consolidated Ditch Company, were referred, beg leave to report H. B. No. 139, explanatory and amendatory of an act entitled "An act to incorporate the Consolidated Ditch Company," approved October 18th, 1861, with recommendation that it do pass.
August 12th, 1862. CHAS. F. HOLLY, Ch'n.

Mr. Slaughter, from committee of Territorial affairs, reported as follows:

MR. SPEAKER: Your committee, to whom was referred H. B. No. 136, a bill for an act to locate the penitentiary of Colorado, have had the same under consideration, and beg leave to report the same back with recommendation the blanks in the bill be filled by the House, with the names of M. J.

Pratt, of Cañon City, Wm. Train Muir, of Golden City, and A. L. Dunn, of Montgomery City; one hundred dollars, (for grounds,) five dollars per day, and fifteen cents per mile, (for traveling expenses,) and further recommend that the bill do pass.

Also, your committee have had H. B. No. 133 under consideration, and report the same back without amendment, and recommend its passage.

WM. M. SLAUGHTER, Ch'n.
JOS. KENYON,
FRANCISCO J. GALLEJOS.

Report received.

Mr. Chaffeee introduced

H. J. M. No. 9, memorializing Congress to make appropriations for taking a census.

Mr. Holly introduced

J. M. No. 10, a bill for a joint resolution relative to the U. S. Mint at Denver.

Mr. Holly introduced

H. B. No. 140, a bill for an act to amend an act entitled "An act concerning divorce and alimony," approved November 7th, 1861.

Also,

H. B. No. 141, a bill for an act explanatory of an act to confirm and legalize certain acts of the people prior to the organization of Colorado Territory.

Also,

H. B. No. 142, a bill for an act to set apart lode claims for the benefit of common schools.

Mr. Stone moved the adoption of the following resolution:

Resolved, That the minority of special committee, to whom was referred C. B. No. 7, be and is hereby instructed to report said bill to the House forthwith.

Adopted.

Mr. Stone introduced

H. B. No. 143, a bill for an act to amend an act entitled "An act to establish the University of Colorado," approved November 7th, 1861.

Mr. Stone, from committee of mines and minerals, reported back

H. B. No. 132, a bill for an act relating to mining and mining claims,

And recommended its passage.

H. B. No. 89, a bill for an act for the protection of mining claims out of mining season,

And recommended its indefinite postponement.

H. B. No. 134, a bill for an act to incorporate the Fairplay Ditch and Fluming Company,

And recommended its passage.

Report received.

Mr. Holly offered the following:

Resolved, That no bill for any act of incorporation shall be introduced after this day, during this session, and none shall be acted on except on its third reading, after to-morrow.

Adopted.

Mr. Oakes, from committee of agriculture, submitted the following:

MR. SPEAKER: Your committee on agriculture, to whom was referred

H. B. No. 119, a bill for an act to define what shall constitute a lawful fence,

Have had the same under consideration, and report the same back with the following amendment, and recommend its passage:

In Sec. 1, nineteenth line, strike out the word "four," and insert the words "three and one-half."

Also, have had under consideration

C. B. No. 37, a bill for an act to regulate the sale of horses, mules and cattle, at auction,

And report the same back without amendment, and recommend its passage.

Also, have had under consideration H. B. No. 61,

And recommend the same back, and that it be indefinitely postponed. D. C. OAKES, Ch'n.

Report received.

Mr. Harbour submitted the following report:

MR. SPEAKER: The majority of the special committee to whom was referred

H. B. No. 101, a bill for an act attaching certain mining districts to the county of Park,

Respectfully report that they have had the same under consideration, and recommend its indefinite postponement.

R. R. HARBOUR,
O. A. WHITTEMORE,
D. WITTER.

Report received.

Mr. Holly took the chair,

Whereupon, on motion,

The rules were suspended, and

Mr. Crocker introduced

H. B. No. 144, a bill for an act concerning change of venue in certain cases,

Which was read a first and second time by title, and
Referred to committee of judiciary.
Mr. Speaker resumed the chair.
Mr. Stone submitted the following:

MR. SPEAKER: The undersigned, a minority of the special committee, to whom was referred H. B. No. 101, beg leave to report upon said bill, and recommend its passage.

WILBUR F. STONE.

Report received.
Mr. Whittemore submitted the following report:

MR. SPEAKER: The committee on engrossed bills report H. B. No. 137, and H. J. M. No. 5, correctly engrossed.

O. A. WHITTEMORE, Ch'n.

Report received.
Mr. Holly moved the adoption of the following resolution:
Resolved, That during the remaindor of this session, no member shall speak longer than five minutes at any one time, without consent of the House.
Adopted.
Mr. Stone moved that the majority report of committee on C. B. No. 7, an act to locate the county seat of Park county, and legalize certain acts therein named,
Be adopted.
Adopted.
Mr. Holly moved the adoption of the following resolution:
Resolved, That this House do adhere to their amendment to the amendment of the Council to H. B. No. 31, fixing the time of the meeting of the Legislative Assembly, and appoint a committee of conference, asking a corresponding one on behalf of the Council.
Ayes and noes called for.
Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Steele, Whittemore, Wilhite, Witter and Mr. Speaker—22.
Noes—Scudder, Slaughter and Stone—3.
Ayes 22, noes 3.
Carried.
The Speaker appointed as such committee,
Messrs. Holly, Hayes and Harbour.
Mr. Speaker read the following communication:

DENVER, August 13th, 1862.

MR. SPEAKER: By authority of the House of Representa-

tives, I have this day appointed C. C. Carpenter my first assistant clerk. Very respectfully,

CHAS. M. FERRELL,
Enrolling Clerk of the House.

Mr. Holly reported back from judiciary committee,

C. B. No. 4, a bill for an act in relation to the foreclosure of mortgages,

With the recommendation that the bill be indefinitely postponed.

Report received.

Unfinished business.

H. J. M. No. 2, relating to mail service to the southern mines.

The Speaker appointed as a committee of conference on the part of the House,

Messrs. Witter, Stone and Harbour.

Introduction of bills.

Mr. Scudder introduced

H. B. No. 145, a bill for an act in relation to the return of process and the joinder of issues.

Mr. Chaffee moved to take up

H. B. No. 90, a bill for an act districting the Territory into judicial districts, for consideration.

Carried.

Bill read and considered.

Mr. Stone moved to amend Sec. 6, by striking out the word "December" and inserting the word "October."

Adopted.

Mr. Chaffee moved to amend Sec. 3 by striking out the words "the successor when appointed of."

The motion was withdrawn.

Mr. Crocker moved to refer to the committee on judiciary with instructions.

Division called for.

Ayes and noes on referring.

Ayes—Harbour, Holly, Oakes, Powell, Slaughter, Stone, Witter and Mr. Speaker—8.

Noes—Barela, Beach, Chaffee, Chilcott, Gallejos, Garcia, Hamilton, Hanscome, Kenyon. Martine, Noteware, Scudder, Steele, Whittemore and Wilhite—15.

Ayes 8, noes 15.

Lost.

Mr. Holly moved that the amendment adopted in committee of the whole to Sec. 6, to strike out "May" and "September" and insert "April" and "November,"

Be adopted. Carried.

Mr. Chaffee moved to strike out "the successor when appointed of" in Sec. 3.

Ayes and noes called for.

Ayes—Barela, Chaffee, Chilcott, Gallejos, Garcia, Hamilton, Harbour, Hayes, Martine, Oakes, Slaughter, Steele, Wilhite, Witter and Mr. Speaker—15.

Noes—Beach, Hanscome, Holly, Kenyon, Noteware, Powell, Scudder, Stone and Whittemore—9.

Ayes 15, noes 9.

Carried.

Mr. Wilhite moved to strike out Sec. 5 and insert new section as Sec. 5.

Adopted.

Mr. Witter moved to amend by striking out "Laurette" and insert "county seat thereof" in Sec. 8.

Adopted.

Mr. Holly moved that H. B. No. 90, as amended, be ordered engrossed.

Carried.

Mr. Witter from special committee on C. B. No. 7, submitted the following report;

MR. SPEAKER: The undersigned, chairman of the select committee to whom was referred the bill from the Council, for "an act to locate the county seat of Park county and legalize certain acts therein named," respectfully begs leave to submit the following report:

Your committee have had the matter under careful consideration, and from facts known to the undersigned, and from the statements of Geo. W. Bowers, Esq., one of the commissioners for Park county, appointed by the Governor, to lay the county off into commissioners districts, and provide for holding election last fall, and who appeared before your committee, as well as from the statements of another of the commissioners made to the undersigned, he finds the facts in the case to be as follows:

The law in regard to changing county seats, provides that county seats located by the last legislature, may be removed at the coming election by a vote of the people, but makes no provision whatever for its being changed by the county commissioners.

There was apparently a plot laid immediately after the county seat was located, at Tarryall City, (by a law passed at the last session of the Legislature,) among a few persons about Laurette, who were desirous of filling some office in the county, to get the county seat removed to the said town of Laurette. The first move made was to get two of the county com-

missioners elected from that immediate vicinity, which they did by electing two of them in one district, in violation of law, and contrary to the public notices given by the commissioners appointed to provide for the election, which plainly stated that one commissioner should be elected in each district, and which also plainly described the three districts.

It was also circulated in part of the county that a vote was to be taken to change the location of the county seat, whilst the law did not provide for any such vote to be taken at that time, and no notice that such vote would be taken was given by the commissioners, but, on the contrary, they told those who questioned them upon the subject that they understood that no vote was to be taken at that time, and no vote was taken at Hamilton, nor Tarryall, nor at several other precincts in the county.

Now, after the election of these commissioners, two of them in one district, as appears from the statements of Geo. W. Bowers, Esq., one of the old commissioners, it seems that said commissioners finding that there was no authority of law for the people to vote upon the question of changing the county seat at that time, and that they had not a majority of all the votes polled, as the law requires, influenced probably by those who had secured an election to some county office, and all of whom, with one or two exceptions, were residents of Laurette, the said commissioners in open and known violation of the law, themselves took the responsibility of changing the county seat from Tarryall City to Laurette, although there is no shadow of a law by which the commissioners can, under any circumstances, change a county seat; and they have gone on and erected county buildings there, it is said, and have transacted all their business there, and most of the other county officers being residents of the town of Laurette, found it very convenient to remain there and transact their business. After all this, these commissioners came before your honorable body and asked that their acts, in removing the county seat, and the acts of all other county offices done and performed contrary to law, be legalized.

The undersigned, believe that the Legislature has no power to legalize acts done in open and wilful violation of law, and even if we had the power, it would certainly be an example that could not be otherwise than productive of the greatest evil. If it is found that to escape the penalties of violating the laws of the Territory, it is only necessary to have a few friends apply to the Legislature to legalize the unlawful acts, who can tell where these transgressions will end, or who can predict the evil effects of such a course, on our part.

The undersigned has seen and conversed with a large number

of the citizens of Park county, who very unanimously, with the exception of some of the citizens of Laurette, condemn the action of the commissioners, as an open and wilful violation of the law for selfish purposes, for which justice demands that they should be punished.

In view of the above, the undersigned begs leave to recommend that the bill be indefinitely postponed.

DANIEL WITTER,
Chairman of Com.

Pending consideration of the report Mr. Chaffee moved to adjourn till 8 o'clock this evening.

Carried.

So the House adjourned.

EVENING SESSION.

House met at 8 o'clock.

Speaker in the chair.

Quorum present.

Consideration of report of committee on C. B. No. 7,

Resumed.

Mr. Witter moved that the further consideration of report be postponed until C. B. No. 7, comes up for consideration in regular order.

Carried.

Mr. Whittemore moved to take up and consider H. B. No. concrnining school claims.

Carried.

H. B. No. 124,

Was read.

Also,

C. B. No. 40 a bill for an act to create a fund for the benefit of schools.

Which last was read a first and second times, and

On motion,

It was taken up for consideration.

Mr. Whittemore moved to amend, to insert "No. 3, south-westerly" in Section 2, of C. B. No. 40.

Mr. Witter moved to amend amendment, by inserting "No. 6, north-easterly."

The question was taken on Mr. Witter's amendment to amendment, and

Carried.

Mr. Chaffee moved to reconsider.

Carried.

Question being taken again,

It was lost.

Amendment was then adopted.

Mr. Whittemore moved to strike out Sec. 3.

Carried.

Mr. Kenyon was excused for the evening.

Leave being granted, Mr. Hayes introduced.

H. B. No. 146, a bill for an act requiring clerks of courts to give bonds.

Mr. Powell offered the following as an additional section:

All moneys so raised from sale of school claims shall be applied for the support of schools in the counties where said claims are located.

Mr. Noteware offered the following:

That one-fifth of all moneys arising from this act, shall be appropriated to the Territorial school fund.

Mr Chaffee, moved that the bill be indefinitely postponed.

Ayes and noes called for.

Ayes—Chaffee, Harbour, and Slaughter—3.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Martine, Noteware, Oakes, Powell, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—20.

Ayes 3, noes 20.

Lost.

Mr. Slaughter moved to recommit both bills to a apecial committee to report to-morrow morning.

Also,

H. B. No. 142.

Carried.

The Speaker appointed as such committee,

Messrs. Slaughter, Whittemore and Witter.

Mr. Hamilton offered the following:

Resolved, That the House now take up the order of business, consideration of bills reported back by committees.

Adopted.

Leave being granted, Mr, Holly reported back from judiciary committee,

H. B. No. 114, a bill for anact concerning changes of venue in certain cases, with a substitute, and recommend the passage of the substitute, and introduced

H. B. No. 147, reletıng to the office and salary of Territorial Superintendent of Common Schools and Territorial Librarian.

Consideration of bills reported back by committees.

H. B. No. 61, a bill for an act relating to horses, mules and cattle, on motion,

Was indefinitely postponed.

H. B. No 89, for the protection of mining claims out of mining season, on motion,

Was indefinitely postponed.

H. B. No. 132, relating to mining and mining laws,

Was read.

Mr. Witter was excused for the remainder of the evening.

Mr Slaughter moved that the bill be considered engrossed for a third reading.

Mr. Noteware moved to adjourn.

Lost.

Mr Hanscome moved to recommit to a special committee, with instructions to report to-morrow morning, and that the bill be made the special order for 10 o'clock to-morrow morning.

Carried.

The Speaker appointed as such committee,

Messrs. Hanscome, Harbour and Fosher.

Mr. Hamilton moved to take up the order of business, first and second reading of bills.

Carried.

First and second reading an reference of bills.

C. J. M. No. 1, relating to mint.

Refered to committee of federal relations.

C. J. M. No. 2, relating to Indian titles.

Referred to committee of Indian relations.

C. J. M. No. 6 for increase of jurisdiction of probate courts.

C. B. No. 24, to incorporate Currant Creek and Arkansas River Road Company.

Referred to committee of incorporations.

C. B. No. 26, to grant Mariano Medina, etc. the right to build a bridge across the Big Thompson.

Referred to a special committee of

Messrs. Gallejos, Steele and Hamilton.

C. B. No. 28, to incorporate the Grass Valley Hydraulic and Mining Company.

Referred to committee of incorporations.

C. B. No. 36, a bill for an act to prevent the sale of intoxicating liquors to soldiers,

Referred to judiciary committee.

C. B. No. 38, a bill for an act to protect the rights of persons settled upon any of the public lands of Colorado Territory.

Referred to committee of federal relations.

C. B. No. 39, a bill for an act to repeal laws in relation to introducing stock into Conejos county for purposes of grazing.

Referred to a special committee of

Messrs. Garcia, Gallejos and Martine.

C. B. No. 42, a bill for an act to increase the revenue.
Referred to committee of ways and means.
H. J. M. No. 9, for appropriation to take census.
Referred to committee of ways and means.
H. J. M. No. 10, relatingt to mint at Denver.
Referred to committe of federal relations.
H. B. No 138, a bill for an act regulating injunctions.
Referred to judiciary committee.
H. B. No. 139, amending charter of Consolidated Ditch Company.
Referred to committee of incorporations.
H. B. No. 140, amending adt concerning divorce and alimony.
Referred to judiciary committee.
H. B. No. 141, explanatory of act confirinmg acts of the people prior to the organization of the Territory.
Referred to judiciary committee.
H. B. No. 143, amending act locating university.
Referred to committe of education.
H. B. No. 145, in relation to the return of process and joinder of issue.
Referred to judiciary committee.
H. B. No. 146, requiring clerks of district courts to give bond.
Referred to judiciary committe.
H. B. No. 147, relating to salary of Territorial Superintendent of Common Schools and Territorial Librarian.
Referred to committee of Territorial affairs.
Mr. Chaffee moved to adjourn.
Ayes and noes called for.
Ayes—Beach, Chaffee, Chilcott, Hanscome, Harbour, Noteware, Powell, Slaughter, Steele, Wilhite and Mr. Speaker—11.
Noes—Barela, Fosher, Gallejos, Garcia, Hamilton, Holly, Martine, Stone and Whittemore—9.
Ayes 11, noes 9.
So the House adjourned till 9 o'clock to-morrow morning.

THURSDAY, August 14th, 1862.

House met at 9 o'clock, a. m., pursuant to adjournment.
Speaker in the chair.
Roll of the House called.
No quorum.
On motion of Mr. Chilcott, House took a recess of thirty minutes.
After recess, roll called.
Absent—Barela, Holly, Kenyon, Scudder and Stone.
Reading of the Journal dispensed with, and
Referred to committee of printing.
Messrs. Holly, Kenyon, Scudder and Stone appeared and took their seats.
Reports of committees:
Mr. Whittemore, from committee of Indian relations, reported back
C. J. M. No. 2, Joint Memorial to the Secretary of the Interior, respecting Indian titles,
Without amendment, and recommend its passage.
Report received.
Mr. Hanscome, from the judiciary committee, reported back
C. B. No. 6, a bill for an act concerning chattel mortgages,
Without amendment, and recommend its passage.
Report received.
Mr. Gallejos, from special committee, reported as follows:

Mr. Speaker: Your committee to whom was referred C. B. No. 26, have had the same under consideration and beg leave to report the same back, without amendments, and recommend its passage.

F. J. GALLEJOS, Ch'n.
DANIEL STEELE,
J. W. HAMILTON.

Report received.
Mr. Garcia reported as follows:

Mr. Speaker: Your committee to whom was referred C. B. No. 39, have had the same under consideration and beg leave to report the same back, without amendments, and recommend its passage.

SAN VICTOR GARCIA, Ch'n.
FRANCISCO J. GALLEJOS,
——— MARTINE.

Report received.

Mr. Chilcott, chairman of committee, reported as follows:

Mr. SPEAKER: Your committee on incorporations have had C. B. No. 24 and H. B. No. 139, under consideration and beg leave to report the same back without amendments, and recommend their passage.

G. M. CHILCOTT, Ch'n.

Report received.

Mr. Whittemore, from committee of engrossment, reported back

H. B. No. 124, a bill for an act relating to probate courts and judges of probate, as correctly engrossed,

Report received.

Mr. Slaughter, from special committee, reported as follows:

MR. SPEAKER: Your special committee, to whom was referred C. B. No. 40, would report the same back, without amendment, and recommend its passage.

WM. M. SLAUGHTER,
O. A. WHITTEMORE,
D. WITTER.

Report received.

Mr. Powell, from committee of ways and means, reported as follows:

MR. SPEAKER: Your committee to whom was referred H. J. M. No. 9, asking for an appropriation for taking the census of Colorado, have had the same under consideration and would beg leave to recommend the same back and that the blank be filled by inserting "two thousand," and recommend that the bill do pass.

E. SCUDDER,
D. POWELL.

Report received.

Mr. Fosher, from committee of incorporations, reported as follows:

MR. SPEAKER: The committee on incorporations, to whom C. B. No. 28 was referred, have had the same under consideration and recommend that section five be amended as follows:

"That said company shall be obliged to sell all unsold water in the ditch at the rate of 50 cents per inch for day water and 25 cents per inch for night water."

With the above amendment your committee recommend its passage.

JOHN FOSHER, Ch'n.

Report received.

Mr. Kenyon moved a suspension of the rules, so as to take up

H. B. No. 134,

And put it upon its final passage.

Carried.

H. B. No. 134, a bill for an act incorporating the Fairplay Ditch and Fluming Company,

Was read.

Vote upon final passage.

Ayes—Chilcott, Fosher, Gallejos, Hamilton, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—16.

Noes—Harbour—1.

Ayes 16, no 1.

Bill passed, title agreed to.

The committee of ways and means, reported back

C. B. No. 42, a bill for an act to increase the revenue,

Without amendment, and recommended its passage.

Report received.

The rules being suspended, Mr. Holly introduced

H. B. No. 148, a bill for an act providing for the election of the members of the next Legislative Assembly,

Which was read 1st, 2d and 3d times, and put upon its final passage.

Vote upon the final passage.

Ayes—Chaffee, Chilcott, Fosher, Gallejos, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Steele, Stone, Whittemore and Mr. Speaker—19.

Ayes 19, noes none.

Bill passed and title agreed to.

On motion the rules were suspended, and

C. B. No. 29, a bill for an act granting to the Overland Stage Company, the right to maintain bridges and ferries,

Was taken up and read 1st, 2d and 3d times and put upon its final passage.

On motion, Sec. 2, line 6, was amended, by striking out "one mile" and inserting "one-fourth of a mile."

Vote on final passage.

Ayes—Chilcott, Fosher, Gallejos, Hamilton, Hanscome, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Stone, Wilhite and Mr. Speaker—15.

Noes—Chaffee, Harbour, Kenyon, Steele and Whittemore—5.

Ayes 15, noes 5.

Bill passed and title agreed to.

Mr. Holly moved the adoption of the following resolution:

Resolved, That no bills for acts of a private or local character shall be considered during the balance of this session, while there remain in the House any bills for general laws undisposed of.

Adopted.

Mr. Hanscome, from special committee, submitted the following report:

MR. SPEAKER: Your committee to whom was referred the duty of investigating into the truth of the charges against Justice Charles Lee Armour, beg leave to make the following report:

Several persons have appeared before your committee and testified concerning these charges, but the said Justice has not appeared or offered any explanatory testimony, but addressed a letter to the chairman of your committee that he was holding court, and therefore could not be present. It appears from the testimony of J. Bright Smith, that he, the said Justice, expressed his opinion as to the guilt of one Railey, who was charged with murder, and said he did not think he was guilty; said he had advised the brother of Railey to employ the said Smith as counsel in the case, and advised the said Smith to take a change of venue to the second judicial district, of which he was the Judge.

It appears from the testimony of Alfred Tucker, that he saw the said Justice Armour having a conversation with Daniel Moore, who was plaintiff in the case before said Justice, in which the said Tucker was defendant, and heard the said Justice say in words to this effect, that he would make it all right when the cause came up—that he would "scoop them."

From the testimony of H. B. Morse, it appears that upon deciding a case upon an attachment for contempt against a defendant, said that he did not consider defendants guilty of contempt, for the reason that the injunction was wrongfully granted; that he had not read the petition, but that S. E. Browne, Attorney-General for Colorado Territory, had stated to him the substance of the bill, and that he had supposed the said Browne an honorable attorney, but that the writ of injunction was obtained by gross misrepresentation of counsel. Said Browne, being absent when said decision was given, Mr. Reimine, one of the associate counsel with the said Browne in the case, asked the said Justice Armour who he meant by the counsel? That the said Armour replied, that he exonerated him, but that he meant Attorney-General Browne; and said further, that he (Browne) had not acted honestly in the matter. From the testimony of the said Attorney-General Browne, it appears that upon his applying for said injunction

Judge Armour told him that he knew something of the case; had seen the bill and read it in the office of Judge Perkins; that the said Browne read the whole of the bill to the said Armour, and also argued the case, and he granted the injunction. H. B. Morse further testifies, that in case of murder, the said Armour asked the prisoner whether he would be tried by the court or by a jury.

It also appears from the testimony of D. J. Liversay, that he was defendant in a case before Judge Armour, and that he applied for a change of venue, which was granted, and fees paid the said Judge Armour by defendant's attorney. The amount of the fee was two dollars and fifty cents. That, afterwards, he refused or neglected to transmit the papers, and the case was subsequently called, and he made rulings in the same.

It appears from the testimony of Hon. G. F. Crocker, that an indictment was found by the Grand Jury of Park county, and before the indictment was brought into court, the said Justice Armour discharged the petit jury, it being the third day only of court. The charge was for murder. Said Crocker was one of the counsel for prisoner; that he made a motion to quash, which was sustained; that the same day another indictment was found; that he asked until next morning to file motion to quash; that said Armour said he would not hold court another day to hear motion to quash; that he then proposed to make the motion immediately. Said he would not hear it. That he then asked to file a plea of "not guilty," and to have a trial immediataly, the prosecution being ready. The said Justice Armour said he had no jury; that counsel for defendant offered to waive exceptions and take special jury from bystanders. This he objected to. Counsel for defendant said then that they understood he (the said Armour) thought he could try the defendant without a jury, and that they were willing to waive a jury and try the case before him. The said Justice replied, that he thought he had the power; that he had known of men being tried for murder by a court without a jury, but in this case he would not hear the case, and therefore adjourned the court.

Your committee would beg leave to make the sworn statement of Copeland Townsend a part of this report, and would simply say, that in most parts it is fully corroborated by the sworn statement of Warren Hussey and the statements of numerous others:

Copeland Townsend, late U. S. Marshal, being duly sworn, deposeth and says: Was arrested and taken to Central City by Mr. Hunt, my successor, charged with paying one Henry A. Woods $8·10 in gold dust instead of U. S. funds, said

Henry A. Woods be a creditor of the United States. Was taken into the office of the Clerk of the District Court at Central City, before going to the Court House. Heard Judge Armour say in presence of several gentlemen there present, "There 's old Hall, old Gilpin, Dalliba, Weld, and all the rest of the G—d d—d hounds! I 'm down on them, and I 'm after them, too!" Supposed he meant me among others, as I was formerly one of the Federal officers, though my name was not mentioned. In empanneling jury for trial, the prosecuting attorney objected to some question asked by my counsel, to ascertain whether the juror was competent to serve. Court at first sustained the objection, but finally said that they might go ahead and ask questions all day to-day, all day to-morrow, and all next week, if they wanted to; that he did not want the prisoner or his friends, after this trial was over, to go down to Denver and write newspaper articles about this court, as they have been doing. The jury were empanneled at about noon on Saturday; court then adjourned until Monday morning at nine o'clock; before adjournment the Court ordered the Marshal to confine me, the prisoner, in the county jail—that I could not be going about the streets, as I had been manufacturing sympathy in my behalf. My counsel offerred bail, which the Court peremptorily refused, and again ordered the Marshal to lock me up in the county jail of Gilpin county, that he should accept no bail—the order was peremptory. I was confined in the jail from Saturday noon until Tuesday noon, excepting the time when I was in the court room attending the trial. While the first witness was being examined it was suggested by my counsel that it would be proper to prove some point before witness' testimony would be proper! The Court thereupon offered himself as a witness, and stated the point required could be proved by him. My attorney objected to the Judge thus leaving the bench and leaving me without the protection of a Court, to decide what testimony was or was not proper to go to the jury; that I was entitled to a fair trial, and that it was guaranteed me by the laws of the United States, and that this would not be a fair trial, and read law showing plainly that only when there was more than one judge on the bench could one of them come off the bench to testify; that there must be one judge on the bench all of the time or there would be no court, and consequently no trial, and that when a judge did come down from the bench to testify, that he could not go back again during the trial. The Court decided that he was a competent witness, went to the witness stand and was duly sworn by the clerk. The first question asked by the prosecution my attorney said he should object to if there were any

court to hear his objection. Armour left the stand, took his seat on the bench, and told my attorney there was a court now, and that he would now hear his objection. My attorney replied, that as there was now no witness on the stand, there was no use of any objection. The court, showing great anger, again took the stand, and stated to the attorneys that they need not ask or object to any testimony, that he had sworn to tell the whole truth, and was going to do so. He then went on with a long tale of evidence, regardless of whether it was or was not proper evidence to go to the jury. He addressed the jury more as a prosecuting attorney than a witness, and his attention was twice called to the fact by my attorney. At one time during the progress of the trial, he stated, while on the bench, and the court room filled with its usual audience, that they must hurry up this trial, as he was anxious to get home; that he had only been married three (3) weeks when he came out here, and was anxious to get home again; thereupon, one of the lawyers at the bar remarked that he could get plenty here. Armor replied, that he knew that, but it wasn't the kind he wanted, and they did not bring it to him; or words very similar to these. At the close of the court's charge to the jury, he said: "When you come in, the clerk will ask you, 'Gentlemen, have you agreed upon a verdict?' If you have, you will reply by a nod of your heads. The clerk will then ask you, 'Who will speak for you?' You will reply, 'Our foreman.' The clerk will then ask you, 'Do you find the prisoner guilty?' You will answer, 'Yes.'"

All of the above took place and transpired at Central City, in the Second Judicial District, at the July term, 1862, and further this deponent saith not.

COPELAND TOWNSEND.

Your committee would also represent that a petition containing several charges against the said Charles Lee Armour, signed by James Cavanaugh, John W. Remine, and Albert G. Thompson, among which are the following charges, with specifications attached: Gross incompetency, strong prejudices, and carries with him on the bench personal animosities, and a malicious disposition. Another charge is, gross partiality, with numerous instances given. Also, charges of taking illegal fees.

Your committee have been petitioned by numerous persons, residents of the Second Judical District, to ask this Legislative Assembly to memorialize the President of the United States to remove the said Justice. Some of the petitions are very numerously signed, having at least five hundred names. Also, received one petition with about forty names against

such action. In view of all these facts, and other documentary evidence now in the possession of your committee, and in full faith that said Justice Charles Lee Armour is not a fit person to occupy the bench in this Territory, especially as so much dissatisfaction is manifested that it is difficult, even in this assembly, to assign him to any district, and believing, as your committee do, that many if not all of the charges against him are true, your committee would beg leave to report the following memorial to His Excellency, the President of the United States, asking the removal of said Charles Lee Armor, and the appointment of some suitable person to his place immediately. All of which is respectfully submitted.

J. B. CHAFFEE,
C. G. HANSCOME,
EDWIN SCUDDER.

Mr. Holly moved that the report be adopted.

Adopted.

Mr. Wilhite, from committee of enrollment, submitted the following report:

MR. SPEAKER: The committee on enrollment report the following bills correctly enrolled, viz:

H. B. No. 98, a bill for an act to repeal an act entitled "An act to locate the seat of government of Colorado Territory," and to locate the same.

H. B. No. 21, a bill for an act to incorporate the Cañon City Bridge Company.

H. B. No. 27, a bill for an act to organize the militia of Colorado Territory, and to repeal the act entitled "An act to organize the militia," approved October 18th, 1861.

Respectfully submitted,

August 14th, 1862. E. S. WILHITE.

Report received.

Mr. Kenyon, from committee of federal relations, reported as follows:

Mr. SPEAKER: Your committee, to whom was referred C. B. No. 38, a bill for an act to protect the rights of persons settled upon any of the public lands of Colorado Territory, beg leave to report the same back to the House, with recommendation that it do pass.

Also, J. M. No. 10, relating to the U. S. Mint at Denver, and would recommend its passage.

JOS. KENYON, Ch'n.

Report received.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 13th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has appointed a committee of three on the part of the Council, on the apportionment bill, and respectfully ask the appointment of a like committee on the part of the House, to confer with such committee.

Messrs. Mather, Willis and Steck have been appointed on the part of the Council.

Very respectfully,
JOHN HOWARD,
Sec'y of Council.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 13th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 31, a bill for an act to incorporate the Golden City and Arapahoe Ditch Company,

With the following amendment:

Amend Sec. 2, by inserting the word "one" instead of "five," and the addition of Sec. 9.

Also,

H. B. No. 103, a bill for an act to incorporate the Snowy Range Ditch Company.

Also,

H. B. No. 40, a bill for an act amendatory of an act entitled "An act to provide for contested elections."

Also,

H. B. No. 30, a bill for an act to incorporate the Empire Gold Mining Company.

Also,

H. B. No. 62, a bill for an act to incorporate the Frémont Orchard Plank Road and Turnpike Company.

Also,

A supplement to C. B. No. 23, a bill for an act supplemental to an act providing for the collection of the revenue, approved November 7th, 1861,

With the following amendments, to-wit:

Amend by inserting of the third line, between the words "shall" and "annually," the words "may be empowered the present year and," and also amend by striking out all after the word "exceedingly," in the third line from the bottom, and insert instead thereof, "four mills on the dollar in addition to the tax now provided by law."

Also,

H. B. No. 13, a bill for an act to incorporate the Cash Creek Park Ditch Company.

Also,

H. B. No. 67, a bill for an act to prevent the carrying of concealed deadly weapons, in the cities and towns of this Territory,

With the inclosed amendments.

The Council also refuse to concur in House amendment to C. B. No. 19.

The Council also adheres to its amendment to H. B. No. 37.

The Council has also concurred in House amendments to C. B. N. 13, a bill for an act authorizing the appointment of county commissioners in special cases.

Very respectfully,

JOHN HOWARD,

Secretary of the Council.

Mr. Holly offered the following resolution, and moved its adoption:

Resolved, That a committee of three be appointed on the part of the House, to confer with a like committee on behalf of the Council, relative to the House apportionment bill.

Adopted.

Mr. Speaker appointed as such committee,

Messrs. Holly, Hamilton and Whittemore.

Mr. Hanscome moved to add Messrs. Scudder and Chaffee to the committee.

Carried.

Messrs. Chaffee and Scudder were therefore added to the committee.

Amendments proposed by Council to bills from the House:

H. B. No. 88, a bill for an act amendatory of an act entitled "An act concerning license,"

Was read with amendments proposed by the Council.

Mr. Witter moved that the House concur.

Carried.

H. B. No. 67, a bill for an act to prevent the carrying of concealed deadly weapons in the cities and towns of this Territory,

Was read with amendments.

Hr. Holly moved that the House concur.

Carried.

The following communication was read:

DENVER, August 11th, 1862.

MR. SPEAKER: By authority of the House of Represent-

atives, I have appointed Charles W. Fowler second assistans enrolling clerk. Very respectfully,

CHAS. M. FERRELL,
Enrolling Clerk of the House.

C. B. No. 23, an act supplementary to an act providing for the collection of the revenue,

Was read with amendments proposed by the Council.

Mr. Witter moved to concur in the amendment, with the amendment to add "and a poll tax not exceeding two dollars."

Carried.

H. B. No. 37, a bill for an act to prevent the introduction of stock into the counties of Huerfano, Pueblo and Frémont, for the purpose of grazing,

Was read with amendments.

Mr. Holly moved to concur, with the exception of Jefferson, Weld and Costilla counties.

Mr. Chaffee moved to amend by excepting Boulder.

Mr. Hanscome moved to lay upon the table.

Ayes and noes were called for.

Ayes — Chaffee, Fosher, Gallejos, Hamilton, Hanscome, Harbour, Hayes, Kenyon, Noteware, Oakes, Steele, Whittemore, Wilhite, Witter and Mr. Speaker—15.

Noes—Chilcott, Holly, Martine, Powell, Scudder, Slaughter and Stone—7.

Ayes 15, noes 7.

So the motion was laid upon the table.

Mr. Holly moved for a committee of conference.

Ayes and noes called for.

Ayes—Chilcott, Hamilton, Holly, Martine, Powell, Scudder and Wilhite—7.

Noes — Chaffee, Fosher, Gallejos, Hanscome, Harbour, Hayes, Kenyon, Noteware, Oakes, Slaughter, Steele, Stone, Whittemore, Witter and Mr. Speaker—15.

Ayes 7, noes 15.

Lost.

Mr. Witter moved to reconsider the vote on C. B. No. 23, concurring.

Carried.

Vote reconsidered.

Mr. Witter moved the adoption of the following:

"The House concurs with the following amendment: strike out "shall" in the third line of Sec. 1, and "may be" in the amendment proposed by the Council, and insert the words "are hereby." Also, after the amendment proposed by the Council, add the following words: "and a poll tax not exceeding two dollars."

Adopted.

Mr. Chaffee introduced

H. J. M. No. 11, memorializing the President of the United States to remove Charles Lee Armour.

Mr. Holly moved that the rules be suspended, and the memorial read first, second and third times, and put upon its final passage.

Carried.

H. J. M. No. 11, a bill for a memorial to the President of the United States, asking for the removal of Charles Lee Armour,

Was read first, second and third times, before vote on the final passage.

Mr. Noteware moved a call of the House.

Carried.

Roll called.

Absent—Messrs. Barela and Scudder.

Mr. Holly moved that further proceedings under the call be dispensed with.

Carried.

Vote on final passage:

Ayes—Chaffee, Chilcott, Fosher, Gallejos, Hamilton, Hanscome, Harbour, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Stone, Whittemore and Mr. Speaker—17.

Noes—Hayes, Kenyon, Wilhite and Witter—4.

Ayes 17, noes 4.

So the memorial passed and title was agreed to.

Mr. Slaughter, from committee of Territorial affairs, reported as follows:

MR. SPEAKER: Your committee, to whom was referred H. B. No. 147, have had the same under consideration, and would report the same back without amendment, and recommend its passage.

WM. M. SLAUGHTER,
JOS. KENYON,
FRANCISCO J. GALLEJOS.

Report received.

C. B. No. 19, a bill for an act to amend an act entitled "An act providing for the collection of the revenue."

Mr. Witter moved to recede from amendment.

Carried.

C. B. No. 31, a bill for an act to incorporate the Golden City and Arapahoe Ditch Company,

Was ordered to be returned to the Council.

First and second reading of bills:

H. B. No. 149, a bill for an act appointing commissioners to locate site of capitol buildings,

Was read first and second time.

Mr. Whittemore moved that the bill be indefinitely postponed.

Ayes and noes called for.

Ayes—Chilcott, Fosher, Gallejos, Harbour, Hayes, Holly, Martine, Oakes, Powell, Scudder, Whittemore, Wilhite, Witter and Mr. Speaker—14.

Noes—Chaffee, Hamilton, Hanscome, Kenyon, Noteware, Slaughter, Steele and Stone—8.

Ayes 14, noes 8.

So the bill was indefinitely postponed.

Leave being granted, Mr. Holly introduced the following report:

To the Hon. House of Representatives:

The judiciary committee report that the following bills do pass, viz:

C. B. No. 35, a bill for an act amendatory of an act concerning clerks of courts.

H. B. No. 141, a bill for an act explanatory of an act to confirm and legalize certain acts of the people prior to the organization of Colorado Territory.

C. B. No. 36, a bill for an act to prevent the sale of intoxicating liquors to soldiers.

H. B. No. 138 a bill for an act supplementary to an act regulating injunctions, approved Nov. 5, 1861.

H. B. No. 146, a bill for an act requiring clerks of district courts to give bonds.

C. J. M. No. 6, a bill for a joint memorial and resolution to Congress for increase of the jurisdiction of courts of probate.

Also, (Mr. Chaffee dissenting,)

H. B. No. 145, a bill for an act in relation to the return of process and joinder of issue.

CHAS. F. HOLLY, Ch'n.

August 14th, 1862.

Report received.

Consideration of bills reported back by committees:

C. J. R. No. 5, relating to fords and bridges,

Was read.

Mr. Harbour moved to add, "providing the said streams are fordable."

Ayes and noes called for.

Ayes—Chaffee, Chilcott, Harbour, Hayes, Kenyon, Noteware, Oakes, Powell, Slaughter, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—14.

Noes—Fosher, Gallejos, Hamilton, Hanscome, Holly, Martine, Scudder and Witter—8.

Ayes 14, noes 8.

Carried.

Mr. Witter moved the adoption of the following:

"And the owner or keeper of such bridge or ferry shall not in any way obstruct the passage to and from any ford across any stream, and any person, upon conviction of thus obstructing such passage, shall be liable to a fine of not less than ten nor more than fifty dollars."

Adopted.

Mr. Fosher moved to indefinitely postpone.

Mr. Gallejos moved to adjourn.

Lost.

Mr. Martine moved to adjourn.

Lost.

Question being taken upon Mr. Foshers motion,

Ayes and noes called for.

Ayes—Fosher, Gallejos, Martine, Oakes, Scudder, Slaughter, Stone and Mr. Speaker—8.

Noes—Chaffee, Chilcott, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Powell, Steele, Whittemore, Wilhite and Witter—13.

Ayes 8, noes 13.

Lost.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, Aug. 14th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 27, a bill for an act relating to forcible entry and detainer, and unlawful detainer.

Also,

H. B. No. 78, a bill for an act to enable road, ditch, manufacturing and other companies, to become bodies corporate,

With the enclosed amendment.

Also, concurred in House amendment to

C. B. No. 29, a bill for an act to enable the proprietors of the Overland Stage line to erect and maintain bridges and ferries across certain streams for the use of said line for the safe conveyance of mails and treasure and passengers.

Also, concurred in House amendment to

C. B. No. 2, a bill for an act to incorporate the Golden Gate and Gregory Road Company.

The Council have appointed the following committee, to act with a like committee on the part of the House, concern-

the meeting of the Legislative Assembly, Messrs. Parker, Loveland and Woodson.

Very respectfully,
JNO. HOWARD,
Secretary of Council.

Mr. Wilhite moved to adjourn.
Carried.
So the House adjourned.

AFTERNOON SESSION.

House met at 2 o'clock, p. m.
Speaker in the chair.
Quorum present.
C. J. R. No. 5, resumed.
Mr. Witter offered a substitute and moved its adoption.
Carried.
Mr. Chaffee moved the bill be ordered to a third reading.
Carried.
C. B. No. 3, a bill for an act concerning lode claims and quartz mills,
Was read.
On motion of Mr. Holly,
It was indefinitely postponed.
C. B. No. 4, a bill for an act in relation to the foreclosure of mortgages,
Was read, and
On motion of Mr. Holly,
The bill was indefinitely postponed.
C. B. No. 21, a bill for an act amending license law,
Was read.
Mr. Chaffee moved that the bill be ordered to a third reading.
Carried.
C. B. No. 24, a bill for an act amendatory of an act regulating elections,
Was read.
Mr. Chaffee moved that the bill be indefinitely postponed.
Lost.
Mr. Holly moved to amend Sec. 1, by striking out "third Tuesday in September," and insert "first Tuesday in October."
Carried.
Mr. Holly moved that the rules be suspended, and the bill be put upon its final passage and third reading.
Carried.
Vote on the final passage:

Ayes—Barela, Beach, Chaffee, Fosher, Garcia, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Whittemore, Wilhite, Witter and Mr. Speaker—21.

Noes—Chilcott and Hamilton—2.

Ayes 21, noes 2.

Bill passed and title agreed to.

Mr. Whittemore from committee of engrossment, reported back,

H. B. No. 90, a bill for an act to district the Territory of Colorado into judicial districts, etc.,

As correctly engrossed.

Report received.

Mr. Hanscome from special committee reported as follows:

MR. SPEAKER: The special committee to whom H. B. Nos. 132 and 127, relating to mining and lode claims, have had the same under consideration, and beg leave to report and recommend that H. B. No. 127 be adopted with the following additions and amendments:

Sec. 1. In the next to the last line between the words "occupation" and "by" insert the following words, "after six months from the passage of this act."

That Sections 5, 9 and 11 of H. B. No. 127, be stricken out.

That sections 2, 3, 12, 15, 16, 17, 18 and 19 of H. B. No. 132 be added as additional sections.

Insert the following as an additional section:

"The discoverer of gulch claims shall be entitled to one hundred feet by right of discovery, and a pre-emption claim of one hundred feet in length and the entire width of the pay streak. Patch and bar claims shall be one hundred feet square. Bank or hydraulic claims shall be one hundred feet wide and six hundred feet long. Measurement in all cases shall be horizontal.

Sec. —. No lode shall be recorded unless the lode or crevice is exposed by actual work, and gold discovered by washing or otherwise. The discoverer may have sixty days to open and prove the lode and file for record, and no claim as a pre-emption shall be valid until the discovery claim is filed and a name given to said lode.

Sec. —. Any person shall be entitled to one mill site, one water power, one gulch claim, one patch claim, one lode claim on each lode and one tunnel claim by pre-emption.

Sec. —. If any person or persons having heretofore located, or who may hereafter locate a tunnel claim shall fail to work the same for the period of sixty consecutive days after the first

day of June, A. D. 1863, they shall forfeit their claims to said tunnel, but not to the claim or claims they may have discovered, and hold by virtue of discovery, before the time of said forfeiture. The line of all tunnel claims shall be plainly staked or marked from the commencement to the termination thereof, and recorded according to law prior to the commencement of the work on said tunnel.

Sec. —. No mining district now formed or hereafter formed in this Territory shall enact any rules, laws or regulations in regard to lode, gulch or mining claims inconsistent with this act, or the act of which this is amendatory, and all laws, acts or parts of acts in conflict with this is amendatory are hereby repealed.

Your committee have had the two bills under consideration, and have in the spirit of compromise, incorporated the better portions of each, leaving out of our report that portion of bill No. 132, which was in the printed laws of the Territory. The committee are in hopes that the bill as reported will meet the approbation of the entire House.

All of which is respectfully submitted.

C. G. HANSCOME,
JOHN FOSHER,
R. R. HARBOUR.

Mr. Hanscome moved to take up
H. B. Nos. 132 and 127, for consideration at the present time.
Carried.

H. B. No. 127, a bill for an act concerning lode claims.

H. B. No. 132, a bill for an act relating to mining and miniug laws,

Were then read, with the amendments and additions proposed by committee.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, COL. TER.
DENVER, Aug. 14th, 1862.

To the Hon. the Speaker of the House of Representatives:

SIR: I have this day approved and signed acts entitled,

An act to organize the militia of Colorado Territory, and to repeal the act entitled "An act to organize the militia," approved Oct. 18th, 1861.

An act to repeal an act entitled "An act to locate the seat of government of Colorado," and to locate the same.

An act to incorporate the Cañon City Bridge Company.

Respectfully,
JOHN EVANS, Governor.

Mr. Hanscome moved to adopt the report and additional sections.

Carried.

Mr. Holly moved to order the bill engrossed for a third reading.

Carried.

Mr. Holly moved to suspend rules and take up

H. B. Nos. 141 and 129.

Carried.

H. B. No. 129, a bill for an act to revive certain judgements of miners' and other courts by *scire facias*.

H. B. No. 141, a bill for an act explanatory of an act to confirm and legalize certain acts of the people prior to the organization of Colorado Territory,

Were then read.

H. B. No. 141.

Vote on final passage.

Ayes—Beach, Chilcott, Fosher, Garcia, Hamilton, Harbour, Hayes, Holly, Kenyon, Martine, Oakes, Powell, Slaughter, Steele, Stone and Wilhite—16.

Noes—Chaffee, Hanscome, Noteware, Scudder, Whittemore, Witter and Mr. Speaker—7.

Ayes 16, noes 7.

Bill passed, title agreed to.

Mr. Witter was called to the chair.

H. B. No. 129.

Mr. Holly moved that the bill be considered read and put upon its final passage.

Ayes and noes called for.

Ayes—Beach, Chilcott, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Oakes, Slaughter, Steel, Stone and Wilhite—15.

Noes—Chaffee, Fosher, Noteware, Powell, Scudder, Whittemore, Witter and Mr. Speaker—8.

Ayes 15, noes 8.

Carried.

Vote on the final passage of

H. B. No. 129.

Ayes—Beach, Chilcott, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Oakes, Slaughter, Steele, Stone and Wilhite—15.

Noes—Chaffee, Fosher, Noteware, Powell, Scudder, Whittemore, Witter and Mr. Speaker—8.

Ayes 15, noes 8,

So the bill passed and title agreed to.

Mr. Wilhite, from committee of enrollment, submitted the following report:

Mr. SPEAKER; Your committee on enrollment report the following bills correctly enrolled:

H. B. No. 67 to prevent the carrying of concealed deadly weapons.

H. B. No. 5, to incorporate the Tarryall and Arkansas river Wagon Road Company.

H. B. No. 13, to incorporate the Cash Creek and Park Ditch Company.

H. B. No. 30, to incorporate the Empire Gold Mining Company.

H. B. No. 62, to incorporate the Fremont Orchard Plank Road and Turnpike Company.

All of which is respectfully submitted.

E. S. WILHITE.

Report received.

Mr. Powell moved to suspend the rules, take up H. B. No. 82 establishing and regulating territorial roads.

Carried.

Mr. Crocker moved that the bill be indefinitely postponed.

Lost.

Mr. Powell introduced an amendment of several additional roads,

Which was adopted.

Mr. Kenyon introduced an additional amendment,

Which was adopted.

Mr. Powell offered an additional amendment,

Which was carried.

Mr. Hanscome moved to add an additional road from Golden Gate to Central City, on which the ayes and noes were called.

Ayes—Fosher, Hanscome, Harbour, Hayes, Noteware, Scudder and Witter—7.

Noes—Beach, Chaffee, Chilcott, Garcia, Hamilton, Holly, Kenyon, Martine, Oakes, Powell Slaughter, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—16.

Ayes 7, noes 16.

Lost.

Mr. Hanscome moved to reconsider the vote ordering H. B. No. 132 to be engrossed.

Ayes and noes called for.

Ayes—Beach, Chilcott, Fosher, Garcia, Hanscome, Harbour, Hayes, Holly, Martine Noteware, Oakes, Powell, Scudder, Steele, Whittemore and Witter—16.

Noes—Chaffee, Hamilton, Kenyon, Slaughter, Stone and Mr. Speaker—6

Ayes 16, noes 6.

Carried.

So the vote was reconsidered.

Mr. Chaffee moved to go into committee of the whole on H. B. No. 132.

Lost.

Mr. Hayes moved to adjourn.

Ayes and noes called for.

Ayes—Chaffee, Harbour, Hayes, Scudder, Slaughter, Witter and Mr. Speaker—7.

Noes — Chilcott, Fosher, Garcia, Hamilton, Hanscome, Holly, Kenyon, Martine, Noteware, Stone, Whittemore and Wilhite—12.

Ayes 7, noes 12.

So the House did not adjourn.

Mr. Hanscome moved the adoption of the additional sections reported by him.

Carried.

Mr Hamilton moved that the rules be suspended and take up C. B. No. 28, to incorporate Grass Vally Hydraulic and Mining Company, and put upon its finl passage.

Mr. Garcia moved to amend by taking up C. B. No. 26 and 39 also.

Mr. Whittemore moved to include H. B. No. 78.

Lost.

Mr. Garcia's amendment carried.

Original motion carried.

So C. B. Nos. 28, 26 and 39 were taken up for consideration.

C. B. No. 28, to incorporate the Grass Valley Hydraulic and Mining Company.

Was first taken up.

Mr. Chilcott moved that the bill be considered read.

Carried.

Mr. Noteware moved that the bill be put upon its final passage.

Carried.

Mr. Fosher moved to adopt the amendment proposed by committee.

Adopted.

Vote on final passage.

Ayes—Chilcott, Fosher, Garcia, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—20.

Noes—Harbour—1.

Ayes 20, noes 1.

C. B. No. 26, to grant Mariano Medina, etc. the right to build a bridge across the Big Thompson Creek at Larimer crossing,

Was read.

Mr. Kenyon moved to reduce tolls one-half of the rates.

Ayes and noes called for.

Ayes—Harbour, Hayes, Holly, Kenyon, Oakes, Scudder, Steele, Stone, Whittemore and Witter—10.

Noes—Chilcott, Fosher, Garcia, Hamilton, Hanscome, Martine Noteware, Powell, Slaughter, Wilhite and Mr. Speaker—11.

Ayes 10, noes 11.

Lost.

Mr. Holly moved to strike out the words, "and it shall not be lawful for any other person or persons to erect a bridge, or keep or run a ferry at any point within two and one-half miles above and two and one-half miles below, the point selected for their bridge."

Mr. Harbour moved to lay the bill upon the table.

Ayes—Harbour, Hayes, Holly, Kenyon, Oakes, Scudder, Steele, Stone and Whittemore—9.

Noes—Chilcott, Fosher, Garcia, Hamilton, Hanscome, Martine, Noteware, Powell, Slaughter, Wilhite, Witter and Mr. Speaker—12.

Ayes 9, noes 12.

Lost.

Mr. Wilhite moved to reconsider the motion voted down, reducing the toll.

Carried.

Mr. Wilhite moved to reduce the toll fifty per cent.

Ayes and noes called for.

Ayes—Fosher, Harbour, Holly, Kenyon, Scudder, Steele, Whittemore, Wilhite and Witter—9.

Noes—Beach, Chilcott, Garcia, Hamilton, Hanscome, Hayes, Martine, Noteware, Oakes, Powell, Slaughter, Stone and Mr. Speaker—12.

Ayes 9, noes 12.

Lost.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, COL. TER.
DENVER, August 14th, 1862.

To the Hon. Speaker of the House of Representatives:

SIR: I have this day approved and signed acts entitled,

An act to prevent the carrying of concealed deadly weapons in the cities and towns of this Territory.

An act to incorporate the Tarryall and Arkansas River Wagon Road Company.

An act to incorporate the Empire Gold Mining Company.

An act to incorporate the Fremont Orchard Plank Road and Turnpike Company.

An act to incorporate the Cash Creek and Park Ditch Company.

Respectfully,
JNO. EVANS, Governor.

Mr. Garcia moved that the bill be put upon its final passage.

Mr. Kenyon moved that the bill be reported to a special committee of three.

Ayes and noes called for.

Ayes—Gallejos, Harbour, Holly, Kenyon, Scudder, Steele, Whittemore and Wilhite—7.

Noes—Beach, Chilcott, Fosher, Garcia, Hamilton, Hanscome, Hayes, Martine, Notewore, Oakes, Powell, Slaughter, Stone, Witter and Mr: Speaker—15.

Ayes 7, noes 15.

Lost.

Mr. Holly moved that the bill be laid upon the table.

Ayes and noes called for.

Ayes—Harbour, Holly, Kenyon, Scudder, Steele, Whittemore and Wilhite—7.

Noes—Beach, Chilcott, Fosher, Garcia, Hamilton, Hanscome, Harbour, Martine, Noteware, Oakes, Powell, Slaughter, Stone, Witter and Mr. Speaker—15.

Ayes 7, noes 15.

Lost.

Mr. Steele moved that the bill be indefinitely postponed.

Ayes and noes called for.

Ayes—Harbour, Holly, Kenyon, Scudder, Steele, Whittemore and Wilhite—7.

Noes—Beach, Chilcott, Fosher, Garcia, Hamilton, Hanscome, Hayes, Martine, Noteware, Oakes, Powell, Slaughter, Stone, Witter and Mr. Speaker—15.

Ayes 7, noes 15.

Lost.

Mr. Steele moved to adjourn.

Ayes and noes called for.

Ayes—Harbour, Holly, Kenyon, Scudder, Steele, Wilhite, Witter and Mr. Speaker—8.

Noes—Beach, Chilcott, Fosher, Garcia, Hamilton, Hanscome, Hayes, Martine, Noteware, Oakes, Powell, Slaughter, Stone and Whittemore—14.

Ayes 8, noes 14.

Lost.

Mr. Steele moved to adjourn.

Ayes and noes called for.

Ayes—Harbour, Holly, Kenyon, Scudder, Steele, Wilhite and Witter—7.

Noes—Beach, Chilcott, Fosher, Garcia, Hamilton, Hanscome, Hayes, Martine, Noteware, Oakes, Powell, Slaughter, Stone, Whittemore and Mr. Speaker—15.

Ayes 7, noes 15.

Lost.

Mr. Steele moved a call of the House.

Roll called.

Absent—Barela and Gallejos.

Mr. Chilcott moved that further proceedings under the call be dispensed with. Carried.

Mr. Kenyon moved to adjourn.

Ayes and noes called for.

Ayes—Harbour, Holly, Wilhite and Witter—4.

Noes—Beach, Chilcott, Fosher, Garcia, Hamilton, Hanscome, Hayes, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore and Mr. Speaker—18.

Ayes 4, noes 18.

Lost.

Mr. Whittemore was excused.

Mr. Chilcott moved that the rules of the House be suspended so as to allow of the previous question being put.

Declared out of order.

Mr. Steele moved to adjourn.

Ayes and noes called for.

Ayes—Harbour, Holly, Kenyon, Steele, Wilhite, Witter and Mr. Speaker—7.

Noes—Beach, Chilcott, Fosher, Garcia, Hamilton, Hanscome, Hayes, Martine, Noteware, Oakes, Powell, Slaughter and Stone—13.

Ayes 7, noes 13.

Lost.

Mr. Wilhite was excused.

The question was then taken upon the motion to lay upon the table, and

Lost.

Mr. Holly offered the following amendment:

Moved to amend by striking out the section relating to tolls and insert as follows, to-wit:

That the said persons shall be entitled to charge and receive for tolls the following rates: For every wagon drawn by a pair of horses, mules or oxen, seventy-five cents. For every additional pair of animals, ten cents. For every single horse or mule and buggy, twenty-five cents. For loose stock, such as horses, mules, asses and cattle, two cents. Sheep and swine, one cent per head.

Adopted.

Mr. Kenyon moved to put the bill upon its final passage.

Carried.

Mr. Garcia moved to indefinitely postpone.

Lost.

Mr. Hanscome moved to reconsider the vote adopting Mr. Holly's amendment.

Ayes and noes called for.

Ayes—Beach, Fosher, Hamilton, Hanscome, Hayes, Noteware, Oakes, Slaughter and Mr. Speaker—9.

Noes—Harbour, Holly, Kenyon, Powell, Scudder, Steele, Stone and Witter—8.

Ayes 9, noes 8.

Carried.

So the vote was reconsidered.

The question recurring upon the amendment of M.r Holly,

Ayes and noes called for.

Ayes—Hamilton, Harbour, Holly, Kenyon, Powell, Scudder, Steele and Witter—8.

Noes—Beach, Fosher, Hanscome, Hayes, Noteware, Oakes, Slaughter, Stone and Mr. Speaker—9.

Ayes 8, noes 9.

Mr. Holly offered the following amendment:

Provided, that any person may build a bridge within the said two miles and one-half on either side of the said bridge for his or their own use, so that the same shall not interfere with the rights granted in the charter.

Ayes and noes called for.

Ayes—Beach, Fosher, Hamilton, Holly, Kenyon, Powell, Scudder, Steele, Witter and Mr. Speaker—10.

Noes—Hanscome, Harbour, Hayes, Noteware, Oakes, Slaughter and Stone—7.

Ayes 10, noes 7.

So the amendment was adopted.

Mr. Noteware moved that the bill be read a third time.

Ayes and noes called for.

Ayes—Beach, Fosher, Hamilton, Hanscome, Hayes, Noteware, Oakes, Powell, Slaughter, Stone, Witter and Mr. Speaker—12.

Noes—Harbour, Holly, Kenyon, Scudder and Steele—5.

Ayes 12, noes 5.

Carried.

Mr. Powell moved to consider the bill read.

Carried.

Vote on final passage of C. B. No. 26.

Ayes—Beach, Fosher, Hamilton, Hanscome, Hayes, Noteware, Oakes, Powell, Slaughter, Stone and Mr. Speaker—11.

Noes—Harbour, Holly, Kenyon, Scudder and Steele—5.

Ayes 11, nays 5.

Bill passed, title agreed to.

Mr. Beach, from the committee of enrollment, reported back

H. B. No. 58, a bill for an act amendatory of the license law.

H. B. No. 153, a bill for an act incorporating the Snowy Range Ditch Company,

And,

H. B. No. 40, a bill for an act amendatory of act regulating contested elections,

As correctly enrolled.

Hr. Hayes reported verbally that committee of conference on the meeting of the Legislative Assembly could not agree with Council committee, and reported they had agreed to disagree.

Report received.

Mr. Stone, from committee of conference, reported as follows:

MR. SPEAKER: The undersigned from joint committee of conference on the part of the House, to which was referred the substitute for

H. J. M. No. 2, to the Postmaster General, for increased mail facilities to the southern mines,

Beg leave to report that they have had the same under consideration, and recommend the substitute joint memorial and resolution agreed upon by said committee.

R. R. HARBOUR,
WILBUR F. STONE.

Report received.

Mr. Crocker moved that the House now take up

H. B. No. 90, a bill for an act districting the Territory of Colorado for judicial purposes and fixing times of holding courts.

Carried.

Mr. Crocker moved to consider the bill read.

Carried.

Mr. Noteware moved to amend by striking out Sec. 3, and inserting a substitute.

Sec. 3. The counties of Clear Creek, Gilpin, Lake, Park and Summit shall substitute the second judicial district, and the associate justice who shall hereafter be appointed as successor of Charles Lee Armour is hereby assigned as Judge in and for said second district, and until the successor of said Armour is appointed, Hon. Benjamin F. Hall shall and is hereby requested to hold the term of court in the counties of Clear Creek and Gilpin, in said district, and Hon. Allen A. Brad-

ford shall, and is hereby requested to hold the term of court in the counties of Lake, Park and Summit.

Vote on amendment.

Ayes—Beach, Fosher, Hamilton, Hanscome, Holly, Noteware, Oakes, Powell, Slaughter and Mr. Speaker—10.

Noes—Harbour, Hayes, Kenyon, Stone and Witter—5.

Ayes 10, noes 5.

Adopted.

Vote on final passage of H. B. No. 90.

Ayes—Beach, Fosher, Hamilton, Hanscome, Harbour, Holly, Noteware, Oakes, Powell, Slaughter, Stone and Mr. Speaker—12.

Noes—Hayes, Kenyon and Witter—3.

Ayes 12, noes 3.

Bill passed and title agreed to.

Mr. Hanscome moved that when the House adjourn it adjourn to meet to-morrow morning at 9 o'clock.

Carried.

Mr. Notewrae moved to adjourn.

Carried.

So the House adjourned.

FRIDAY, August 15th, 1862.

House met at 9 o'clock, a. m.

Speaker in the chair.

Roll called.

Absent—Hamilton, Harbour, Kenyon, Noteware, Powell, Slaughter and Witter.

Reading of the Journal dispensed with and referred to the committee of printing.

Consideration of bills reported back by committees.

C. B. No. 39, a bill for an act to repeal all laws in relation to the introduction of stock into Conejos county for the purpose of grazing,

Was read, and

On motion,

Was ordered to a third reading.

C. J. M. No. 1, to Secretary of the Treasury, relating to the Mint at Denver,

Was read.

On motion of Mr. Holly,

Rules were suspended and bill read third time and put upon its final passage.

Vote on final passage.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—21.

Ayes 21, noes none.

Memorial passed, title agreed to.

The rules being suspended Mr. Holly introduced

H. B. No. 150, a bill for an act reducing the salary of the Auditor and Treasurer.

Rules were further suspended, and

H. B. No. 150,

Was read first, second and third times, and put upon its final passage.

Vote on final passage.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Steele, Stone, Whittemore Witter and Mr. Speaker—21.

Noes—Wilhite—1.

Ayes 21, noes 1.

Bill passed, title agreed to.

On motion, the rules were suspended, and the House took up the amendments proposed by the Council to

H. B. No. 78, a bill for an act to enable road, ditch and other companies to become bodies corporate.

On motion of Mr. Holly the House concurred.

C. B. No. 7, a bill for an act to locate the county seat of Park county, and legalize certain acts therein named,

Was read.

Mr. Witter moved to strike out "Laurette" and insert "Fairplay" in Sec. 1.

Ayes and noes called for.

Ayes—Chaffee, Hanscome, Hayes, Scudder Steele, Whittemore, Wilhite and Witter—8.

Noes—Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Harbour, Holly, Martine, Noteware, Oakes, Powell, Slaughter, Stone and Mr. Speaker—15.

Ayes 8, noes 15.

Lost.

Mr. Witter moved to strike out "Laurette" is Sec. 1, and insert "Montgomery."

Ayes and noes called for.

Ayes—Chaffee, Hayes, Whittemore, Wilhite and Witter—5.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia,

Hamilton, Harbour, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, and Mr. Speaker—18.

Ayes 5, noes 18. Lost.

Mr. Witter moved to amend as follows;

Strike out the first section and the first clause of the second section.

Ayes and noes called for.

Ayes—Chaffee, Garcia, Hayes, Whittemore, Wilhite, and Witter—6.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Hamilton, Harbour, Holly, Martine, Noteware, Oakes, Powell, Slaughter, Steele, Stone andMr. Speaker—16.

Ayes 6, noes 16. Lost.

Mr. Stone moved to order the bill to a third reading.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Hamilton, Harbour, Hayes, Holly, Martine, Noteware, Oakes, Powell, Slaughter, Steele, Stone and Mr. Speaker—18.

Noes—Garcia, Whittemore, Wilhite and Witter.—4.

Ayes 18, noes 4. Carried.

Mr. Fosher moved to suspend the rules and ordered the bill to its final passage.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Hamilton, Harbour, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone and Mr. Speaker—18.

Noes—Chaffee, Garcia, Hamilton, Hanscome, Hayes, Whittemore, Wilhite and Witter—7.

Ayes 18, noes 7.

Carried.

Bill read a third time.

Mr. Witter moved that the bill be indefinitely postponed.

Ayes and noes called for,

Ayes—Garcia, Hayes, Scudder, Whittemore, Wilhite and Witter—6.

Noes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Hamilton, Harbour, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Steele, Stone and Mr. Speaker—18.

Ayes 6, noes 18.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, COL. TER.
DENVER, Aug. 14th, 1862.

To the Hon. the Speaker of the House of Representatives:

SIR: I have this day approved and signed acts entitled,

An act to inorporate the Snowy Range Ditch Company.

An act amendatory of an act entitled "An act concurrning license," approved November 6th, 1861.

An act amendatory of an act entitled "An act to provide for contested elections."

Respectfully,
JOHN EVANS, Governor.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, Aug. 15th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed the following bills without amendment:

H. B. No. 42, a bill for an act to incorporate the Empire City, New Pass, Breckenridge and Montgomery City Road Company.

Also,

H. B. No. 110, a bill for an act to amegd an act entitled "An act concerning criminal jurisprudence," approved Nov. 5, 1861.

Also,

H. B. No. 120, a bill for an act to amend an act entitled "An act relating to notaries public."

Also,

H. B. No. 115, a bill for an act to regulate and establish the rates of charging for the publication of legal documents.

Also,

H. B. No. 125, a bill for an act to enable citizens of Colorado Territory, in the military service of the United States to vote.

Also,

H. B. No. 91, a bill for an act amendatory of an act entitled "An act concerning justices of the peace and constables."

Also,

H. B. No. 134, a bill for an act to incorporate the Fairplay Ditch and Fluming Company.

Also,

H. B. No. 93, a bill for an act to incorporate the South Platte and Fontaine qui Bouille Irrigating and Ditch Company.

Also,

H. J. R. No. 3, asking Congress to amend the organic act so as to extend the jurisdiction of probate and justices courts.

Very respectfully,
JNO. HOWARD,
Secretary of the Council.

Mr. Witter offered the following amendment as an additional section:

At the next election in said county, a vote shall be taken upon legalizing the acts of the commissioners on changing the county seat, and if a majority of them vote for legalizing such acts then this act shall take effect from and after the announcement of such vote by the commissioner; but if a majority of the votes of said county vote against legalizing such acts, then this act shall not take effect.

Ayes and noes called for.

Ayes—Chaffee, Garcia, Hanscome, Harbour, Hayes, Noteware, Scudder, Steele Whittemore, Wilhite and Witter—11.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Hamilton, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Slaughter, Stone and Mr. Speaker—14.

Ayes 11, noes 14.

Lost.

Vote on final passage of

C. B. No. 7.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos Hamilton, Harbour, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone and Mr. Speaker—18.

Noes—Chaffee, Garcia, Hanscome, Hayes, Whittemore, Wilhite and Witter—7.

Ayes 18, noes 7.

Bill passed and title agreed to.

On motion of Mr. Hanscome, the rules were suspended, and C. B. No. 27, relating to forcible entry and detainer,

Was read a 1st and 2nd times by title.

Mr. Hanscome moved that the rules be further suspended, and C. B. No. 27, be read 3d time and put upon its final passage.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Gallejos Garcia, Hamilton, Hanscome, Harbour, Hayas, Holly, Kenyon, Martine, Noteware, Powell, Scudder, Slaughter, Steele, Whittemore and Wilhite—19.

Noes—Chaffee, Fosher, Witter and Mr. Speaker—4.

Ayes 19, noes 4.

Carried.

Third reading.

Mr. Wilhite moved that the further reading of the bill be dispensed with.

Carried.

Vote on final passage.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Mar

ine, Noteware, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—22.

Noes—Witter—1.

Ayes 22, noes 1.

So the bill passed and the title was agreed to.

Rules suspended, and

Mr. Whittemore introduced

H. B. No. 151, a bill for an act amending an act providing for proceedings in attachment,

Which was read 1st, 2d and 3d times.

On motion of Mr. Hanscome, the bill was referred to the committee of judiciary.

C. B. No. 35, a bill for an act amendatory of an act concerning clerks of courts,

Ordered to a third reading.

C. B. No. 36, a bill for an act to prevent the sale of intoxicating liquors to soldiers,

Ordered to a third reading.

Mr. Stone from committee of enrollment, reported back H. B. Nos. 127 and 82, correctly engrossed.

C. B. No. 37, a bill for an act regulating the sale of horses etc., at auction,

Ordered to a third reading.

C. B. No. 38, a bill for an act to protect the rights of persons settled on public lands,

Ordered to a third reading.

C. B. No, 40, a bill for an act to create a fund for the benefit of schools,

Ordered to a third reading.

And H. B. Nos. 124 and 142,

Were indefinitely postponed.

C. B. No. 42, a bill for an act to increase the revenue,

Ordered to a third reading.

C. J. M. No. 2, to Secretary of Interior relating to Indian titles,

Ordered to a third reading.

C. J. M. No. 6, to extend the jurisdiction of probate courts,

Ordered to a third reading.

C. B. No. 6, a bill for an act concerning chattel mortgages,

Ordered to a third reading.

H. J. M. No. 9, for appropriation to take census.

Bill read a third time and put upon its final passage.

Vote on the final passage

Ayes—Barela, Beach, Chaffee, Chilcott, Gallejos, Garcia, Holly, Kenyon, Martine, Noteware, Powell, Slaughter, Steele, Whittemore and Mr. Speaker—15.

Noes—Fosher, Hamilton, Harbour, Hayes and Scudder—5.
Ayes 15, noes 5.
Bill passed, title agreed to.
Rules were suspended, and
H. B. No. 27, a bill for an act relating to mining and mining laws,
Was taken up and put upon its final passage.
Vote on final passage:
Ayes—Barela, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hanscome, Harbour Hayes, Holly, Kenyon, Martine, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore—19.
Noes—Hamilton, Witter and Mr. Speaker—3.
Ayes 19, noes 3.
So the bill passed and title agreed to.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 15th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 32, a bill for an act to incorporate the Vasquez River Mining Company.

Also, substitute to

H. B. No. 80, a bill for an act making appropriations for the fiscal year ending December 31, A. D. 1862.

And the concurrence of your honorable body is respectfully requested. Very respectfully,

JOHN HOWARD,
Sec'y of the Council.

Rules were suspended, and Mr. Holly introduced
H. B. No. 152, a bill for an act to provide for the payment of the clerks,
Which was read first, second and third times.
Mr. Kenyon moved to strike out "three" and insert "five," so far as it referred to the chief clerk of the House.
Adopted.
On motion of Mr. Hanscome,
The bill was ordered engrossed.
Mr. Stone moved that the rules be suspended, to enable him to introduce a bill.
Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Harbour, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Wilhite and Mr. Speaker—20.
Noes—Chaffee, Hanscome, Hayes, Whittemore and Witter—5.

—Ayes 20, noes 5.

So the rules were suspended.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 15th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has concurred in House substitute for C. B. No. 23, a bill for an act supplementary to an act providing for the collection of the rerenue, approved November 7th, 1861. Very respectfully,

JOHN HOWARD,
Sec'y of the Council.

Bill read first, second and third times.

Mr. Hayes moved that the bill be laid on the table.

Lost.

Mr. Stone moved that the bill be considered engrossed.

Carried.

Mr. Holly moved to refer to the judiciary committee.

Carried.

The bill was so referred.

H. J. M. No. 10, a bill for a memorial relating to the mint,

Was indefinitely postponed.

H. B. No. 101, a bill for an act attaching certain mining districts to the county of Park,

Was indefinitely postponed.

H. B. No. 119, a bill for an act to define what shall constitute a lawful fence,

Was indefinitely postponed.

H. B. No. 130, a bill for an act amendatory of an act concerning wills, executors and administrators,

On motion,

Was considered engrossed, and

Ordered to final passage.

Vote on final passage:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore and Witter—22.

Noes—Noteware and Mr. Speaker—2.

Ayes 22, noes 2.

Bill passed and title agreed to.

H. B. No. 131, a bill for an act amendatory of an act concerning probate courts,

Was considered engrossed, and

Ordered to a final passage.

Vote on final passage:

Ayes—Barela, Beach, Chaffee, Chilcott, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Holly, Kenyon, Martine, Oakes, Scudder, Slaughter, Steele, Stone, Whittemore—18.

Noes—Noteware, Powell, Witter and Mr. Speaker—4.

Ayes 18, noes 4.

So the bill passed and title agreed to.

Mr. Noteware moved to adjourn.

Ayes and noes called for.

Ayes—Barela, Chaffee, Gallejos, Garcia, Hanscome, Harbour, Hayes, Martine, Noteware, Oakes, Scudder, Witter—12.

Noes—Beach, Chilcott, Hamilton, Holly, Kenyon, Powell, Slaughter, Stone, Whittemore and Mr. Speaker—10.

Ayes 12, noes 10.

So the House adjourned.

AFTERNOON SESSION.

House met at 2 o'clock, p. m., pursuant to adjournment.

Speaker in the chair.

Quorum present.

Rules suspended, and

Mr. Holly introduced

H. B. No. 153, a bill for an act for a joint resolution relating to the election of members of the next Legislative Assembly,

Which was read first, second and third times, and put upon its final passage.

Vote on final passage:

Ayes—Barela, Chilcott, Hanscome, Hayes, Holly, Kenyon, Martine, Oakes, Powell, Whittemore, Witter, and Mr. Speaker—12.

Noes—Fosher, Hamilton, Noteware, Scudder, Slaughter, Stone and Wilhite—7.

Ayes 12, noes 7.

Bill passed and title agreed to.

Rules suspended, and

Mr. Wilhite offered the following resolution:

Resolved, by the House of Representatives of Colorado Territory, That no bills shall be considered at this session after six o'clock, p. m., to-day, and that this Legislative session will adjourn *sine die* to-day at eleven o'clock, p. m.

Laid on the table.

H. B. No. 137, a bill for an act assuming the direct tax apportioned to Colorado Territory by act of Congress, approved August 5th, 1861

Mr. Scudder moved the following as an additional section:

Resolved, That the members of this House donate to the

general government one-half of the moneys received for their services as members of this Legislature.

Mr. Holly moved to amend the amendment by adding the following:

Provided, That the total amount of tax to be collected under the provisions of this act shall not exceed the gross sum of nineteen thousand dollars, that being the amount due the general government after the deduction of fifteen per cent., as provided for in the act of Congress levying said tax, in case of its assumption by any State or Territory.

Ayes and noes called for.

Ayes—Beach, Chaffee, Fosher, Harbour, Holly, Powell, Slaughter and Whittemore—6.

Noes—Barela, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Kenyon, Martine, Noteware, Oakes, Scudder, Steele, Stone, Witter and Mr. Speaker—15.

Ayes 6, noes 15.

Lost.

Amendment of Mr. Scudder was lost.

Mr. Holly offered his amendment as an additional section,

Which was adopted.

Mr. Wilhite reported as follows:

MR. SPEAKER: The committee on enrollment report the following bills correctly enrolled:

H. B. No. 42, a bill for an act to incorporate the Empire City, New Pass, Breckinridge and Montgomery City Road Company.

H. B. No. 98, a bill for an act to incorporate the South Platte and Fontaine-qui-Bouille Irrigating and Ditch Company.

H. B. No. 115, a bill for an act to regulate and establish the rates of charging for the publication of legal documents.

H. B. No. 125, a bill for an act to enable citizens of this Territory in the military service of the United States to vote.

E. S. WILHITE, Ch'n.

Report received.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER, Aug. 15th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has concurred in House amendment to

C. B. No. 55, a bill for an act amendatory of an act regulating elections.

Also, have concurred in House amendment to

C. B. No. 28, a bill for an act to incorporate the Grass Valley Hydraulic and Mining Company.

The Council also insist on their amendment to

H. B. No. 37, a bill for an act to prevent the introduction of stock into the counties of Huerfano, Pueblo and Frémont, for the purpose of grazing.

Very respectfully,
JNO. HOWARD,
Secretary of Council.

COUNCIL CHAMBER, August 15th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

H. B. No. 83, a bill for an act amendatory of an act entitled "An act creating a lien in favor of mechanics in certain cases," approved November 4th, 1861,

With inclosed amendment.

Very respectfully,
JOHN HOWARD,
Sec'y of Council.

COUNCIL CHAMBER, August 15th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. J. R. No. 7, an act to provide for the pay of clerks and other officers of the second session of the Legislative Assembly.

And respectfully ask your concurrence therein.

Very respectfully,
JNO. HOWARD,
Sec'y of Council.

Mr. Holly offered the following amendment:

Amend Sec. — by striking out the words "Territorial Treasury," and insert the words "United States Collector."

Ayes and noes called for.

Ayes—Barela, Beach, Fosher, Gallejos, Garcia, Hanscome, Harbour, Holly, Kenyon, Martine, Notewars, Oakes, Slaughter, Steele and Stone—15.

Noes—Hamilton, Powell, Scudder, Whittemore, Witter and Mr. Speaker—6.

Ayes 15, Noes 6.

So the amendment was adopted.

Mr. Holly moved to add the following additional section:

Sec. —. That the county assessor and county collector shall each be entitled to an additional compensation for the duties required by this act, equivalent to what is now allowed them by law for assessing and collecting for county and Ter-

ritorial purposes; also, that the county treasurer shall give an additional bond, in a penalty to be fixed by the board of county commissioners in each county, to be approved as now provided by law for the faithful discharge of their duties as imposed by this act.

Ayes and noes called for.

Ayes—Barela, Beach, Gallejos, Garcia, Harbour, Holly, Martine, Powell, Scudder, Slaughter and Stone—11.

Noes—Hamilton, Hanscome, Kenyon, Noteware, Oakes Steele, Whittemore, Witter and Mr. Speaker—9.

Ayes 11, noes 9.

So the amendment was adopted.

Mr. Scudder moved a call of the House. Carried.

Roll called.

Absent—Messrs. Chaffee and Chilcott.

The sergeant-at-arms was dispatched for the absentees.

Mr. Harbour moved that further proceedings under the call be dispensed with.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Oakes, Powell, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—20.

Noes—Kenyon, Noteware, Scudder and Slaughter—4.

Ayes 20, noes 4.

Carried.

H. B. No. 137, a bill for an act assuming the direct tax apportioned to Colorado Territory.

Vote on final passage:

Ayes and noes called for.

Ayes—Barela, Beach, Hamilton, Hanscome, Hayes, Holly, Kenyon, Martine, Oakes, Whittemore, Witter and Mr. Speaker—12.

Noes—Fosher, Gallejos, Garcia, Harbour, Noteware, Powell, Scudder, Slaughter, Steele and Stone—10.

Ayes 12, noes 10.

Bill passed and title agreed to.

H. J. M. No. 4, relating to the rebellion,

Was read.

Mr. Kenyon moved to refer to the committee of Indian relations.

Ayes and noes called for.

Ayes—Hanscome, Kenyon, Slaughter, Stone, Whittemore and Wilhite—6.

Noes—Barela, Beach, Fosher, Gallejos, Garcia, Hamilton, Harbour, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Steele, Witter and Mr. Speaker—17.

Ayes 6, noes 17.

Lost.

Vote on the final passage.

Ayes and noes called for.

Ayes—Barela, Beach, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—22.

Noes—Mr. Kenyon.

Ayes 22, noes 1.

Memorial passed and title agreed to.

Additional resolutions to H. J. M. known as

H. J. M. No. 12, a memorial relating to the rebellion.

Vote on the final passage:

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Gallejos, Garcia, Hamilton, Holly, Kenyon, Martine, Oakes, Powell, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—18.

Noes—Fosher, Harbour, Hayes, Noteware, Scudder—5.

Ayes 18, noes 5.

Bill passed and title agreed to.

Mr. Hanscome was excused from voting.

C. B. No. 39, a bill for an act to repeal all laws in relation to the introduction of stock into Conejos county for the purpose of grazing.

Vote on final passage:

Ayes—Barela, Beach, Chaffee, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—21.

Noes—Hayes and Kenyon—2.

Ayes 21, noes 2.

Bill passed and title agreed to.

C. B. No. 35, a bill for an act amendatory of an act concerning clerks of courts.

Vote on final passage.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—24.

Ayes 24, noes none.

Bill passed and title agreed to.

C. B. No. 6, a bill for an act concerning chattel mortgages.

Vote on the final passage:

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Ken-

yon, Martine, Noteware, Oakes, Powell, Slaughter, Steele, Stone and Mr. Speaker—21.

Noes—Whittemore and Wilhite—2.

Ayes 21, noes 2.

Bill passed and title agreed to.

C. B. No. 36, a bill for an act to prevent the sale of intoxicating liquors to soldiers.

Vote on final passage.

Ayes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Holly, Kenyon, Martine, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Wilhite and Mr. Speaker—20.

Noes—Chaffee, Hayes, Noteware and Whittemore—4.

Ayes 20, noes 4.

Bill passed and title agreed to.

C. B. No. 37, a bill for an act to regulate the sale of horses, mules and cattle at auction.

Vote on final passage.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—24.

Noes—Witter—1.

Ayes 24, noes 1.

So the bill passed and title agreed to.

C. B. No. 38, a bill for an act to protect the rights of persons settled upon any of the public lands of Colorado Territory.

Ayes and noes on final passage.

Ayes—Barela, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—24.

Ayes 24, noes none.

So the bill passed and title agreed to.

C. B. No. 40, a bill for an act to create a fund for the benefit of schools.

Mr. Hanscome moved to amend by striking out "No. 3" and inserting "No. 5," in section two.

Ayes and noes called for.

Ayes—Chaffee, Fosher, Garcia, Hamilton, Hanscome, Holly, Martine, Scudder, Slaughter and Steele—10.

Noes—Barela, Chilcott, Gallejos, Harbour, Hayes, Noteware, Oakes, Powell, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—13.

Ayes 10, noes 13. Lost.

Vote on final passage of C. B. No. 40.

Ayes—Barela, Chilcott, Fosher, Gallejos, Hayes, Holly, Noteware, Powell, Scudder, Steele, Whittemore, Wilhite, Witter and Mr. Speaker—14.

Noes—Chaffee, Garcia, Hamilton, Hanscome, Harbour, Martine, Oakes, Slaughter and Stone—9.

Ayes 14, Noes 9.

So the bill passed and title agreed to.

C. J. M. No. 6, to the Secretary of the Interior respecting Indian titles.

Vote on final passage.

Ayes—Barela, Chaffee, Chilcott, Fosher, Gallejos, Hamilton, Hanscome, Harbour, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—21.

Noes—Garcia and Hayes—2.

Ayes 21, noes 2.

So the bill passed and title agreed to.

C. B. No. 42, a bill for an act to increase the revenue.

Vote on final passage:

Ayes—Barela, Chaffee, Chilcott, Fosher, Hamilton, Hanscome, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Steele, Stone, Whittemore Wilhite and Mr. Speaker—18.

Noes—Gallejos, Garcia, Harbour, Slaughter, and Witter—5.

Ayes 18, noes 5.

So the bill passed and title agreed to.

C. B. No. 21, a bill for an act to amend an act concerning license.

Mr. Harbour moved to insert "or mining tools," in section one.

Carried.

Vote on final passage.

Ayes—Barela, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—23.

Ayes 23, noes none.

So the bill passed and title agreed to.

C. J. M. No. 6, for the increased jurisdiction of courts of probate.

Vote on final passage.

Ayes—Barela, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore and Mr. Speaker—22.

Ayes 22, noes none.

So the bill passed and title agreed to.

H. B. No. 133, a bill for an act to provide a place of holding Supreme Court,

On motion,

Was laid on the table.

H. B. No. 82, a bill for an act establishing and regulating Territorial roads.

On motion, the further reading was dispensed with.

Vote on final passage:

Ayes—Barela, Chaffee, Chilcott, Gallejos, Garcia, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone and Whittemore—19.

Noes—Mr. Speaker—1.

Ayes 19, noes 1.

So the bill passed and title agreed to.

Consideration of bills reported back by committees.

H. B. No. 151, a bill for an act to amend an act to regulate proceedings in attachments in the district courts.

Mr. Powell moved that the bill be indefinitely postponed.

Ayes and noes called for.

Ayes—Barela, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Harbour, Hayes, Kenyon, Martine, Powell, Scudder, Slaughter, Steele, Stone and Mr. Speaker—16.

Noes—Hanscome, Holly, Noteware, Whittemore and Witter—5.

Ayes 16, noes 5.

So the bill was indefinitely postponed.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 15, 1862.

MR. SPEAKER: I am instructed to return to the House C. B. No. 26, a bill for an an act to authorize Mariana Medina and Luis Papa to keep a toll bridge across the Big Thompson Creek, at Laramie crossing, as it passed the Council, there being an error between the original bill as it passed the House, and respectfully ask the House to correct the error on the journal of your honorable body, to make it correspond with the minutes of this body.

Very respectfully,

JOHN HOWARD,

Sec'y of the Council.

C. B. No. 26 a bill for an act to authorize Maraina Medina and Luis Papa to keep a toll bridge across the Big Thompson, at Laramie crossing, as returned corrected by the Council,

Was on motion taken up,

Read 1st, 2d and 3d times, and
Put on final passage.
Vote on final passage.

Ayes—Barela, Chilcott, Fosher, Gallejos, Garcia, Hanscome, Hayes, Holly, Kenyon, Martine, Noteware, Powell, Scudder, Slaughter, Stone and Mr. Speaker—16.

Noes—Chaffee, Harbour, Steele, Whittemore and Witter—5.

Ayes 16, noes 5.

So the bill passed and title agreed to.

C. B. No. 37, a bill for an act to prevent the introduction of stock into Huerfano, Pueblo and Fremont counties, with amendments proposed by the Council.

Mr. Kenyon moved to concur in the amendment made by the Council to H. B. No. 37, excepting as regards "Weld County."

Ayes and noes called for.

Ayes—Barela, Chilcot, Fosher, Holly, Kenyon, Martine, Powell, Scudder Slaughter, Steele and Stone—11.

Noes—Chaffee, Gallejos, Garcia, Hanscome, Harbour, Hayes, Noteware, Whittemore, Witter and Mr. Speaker—10.

Ayes 11, noes 10.

Mr. Stone moved to concur in the amendment proposed by the Council to H. B. No. 31, a bill for an act fixing the meet- of the Legislature.

Ayes and noes called for.

Ayes—Barela, Fosher, Hamilton, Kenyon, Martine, Noteware, Scudder, Slaughter, Steele, and Stone—10.

Noes—Beach, Chaffee, Chilcott, Galljos, Garcia, Hanscome, Harbour, Hayes, Holly, Powell, Whittemore, Witter and Mr. Speaker—13.

Ayes 10 noes 13.

Lost.

Mr. Holly moved not to concur in the amendment.

Ayes and noes called for.

Ayes—Beach, Chaffee, Chilcott, Fosher, Gallejos, Garcia, Hanscome, Harbour, Hayes, Holly, Oakes, Powell, Slaughter, Whittemore, Witter and Mr. Speaker—16.

Noes—Barela, Hamilton, Kenyon, Martine, Oakes, Scudder, Steele and Stone—8.

Ayes 16, noes 8.

So the House did not concur.

H. B. No. 80, appropriation bill for the fiscal year ending Dec. 31st, 1863.

Mr. Witter moved that the House do not concur.

Carried.

Consideration of bills reported back by committees.

H. B. No. 146, a bill for an act requiring clerks of district courts to give bonds.

Vote on final passage.

Ayes—Beach, Chaffee, Chilcott, Fosher, Gallejos, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Stone, Witter and Mr. Speaker—20.

Ayes 20, noes none.

Bill passed and title agreed to.

H. B. No. 149, relating to fords, and substitute for C. J. R. No. 5, relative to fords.

Vote on final passage.

Ayes—Beach, Chilcott, Fosher, Gallejos, Hamilton, Hanscome, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Stone, Witter and Mr. Speaker—15.

Noes—Chaffee, Harbour, Hayes, Scudder, Slaughter and Steele—6.

Ayes 15, noes 6.

Bill passed and title agreed to.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER, Aug. 15th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

H. B. No. 106, a bill for an act to incorporate the Idaho and Missouri City Wagon Road Company,

With the inclosed amendments.

Also,

H. B. No. 111, a bill for an act to apportion the Territory of Colorado into Council and Representative districts,

With sundry inclosed amendments,

And the concurrence of your honorable body is respectfully requested.

Very respectfully,
JNO. HOWARD,
Secretary of the Council.

COUNCIL CHAMBER, Aug. 15th, 1862.

Mr. SPEAKER: I am instructed to inform the House that the Council has passed

Substitute for joint memorial and resolution to

C. J. M No. 2, to the P. M. General for increased mail facilities to southern mines,

And respectfully ask the concurrence of the House therein.

Very respectfully,
JOHN HOWARD,
Sec'y of the Council.

H. B. No. 111, a bill for an act apportioning the Territory into Council and Representative districts,

Was taken up, and

Amendments proposed by the Council

Were read.

Mr. Holly moved to concur in the amendments.

Carried.

H. B. No. 106, a bill for an act to incorporate the Idaho and Missouri City Wagon Road Company,

Was read with the following amendments.

Mr. Holly moved to concur.

Carried.

Mr. Scudder moved to adjourn.

Ayes and noes called for.

Ayes—Chilcott, Gallejos, Holly, Martine, Noteware, Oakes, Scudder, Steele, Wilhite and Mr. Speaker—10.

Noes—Beach, Chaffee, Fosher, Hanscome, Harbour, Hayes, Kenyon, Powell, Slaughter, Stone and Witter—11.

Ayes 10, noes 11.

Lost.

Mr Chaffee moved to suspend the rules and take up

H. B. No. 86, a bill for an act amending an act incorporating the Pacific and Colorado Wagon, Telegraph and Railroad Company.

Ayes and noes called for.

Ayes—Chaffee, Chilcott, Fosher, Hanscome, Harbour, Hayes, Powell, Slaughter and Witter—9.

Noes—Beach Gallejos, Holly, Kenyon, Martine, Noteware, Oakes, Scudder, Steele Stone, Wilhite and Mr. Speaker—12.

Ayes 9, noes 12.

Lost.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 15th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

H. B. No. 129, a bill for an act to revive certain judgements of miners' and other courts by *scire facias*.

Very respectfully,

JNO. HOWARD,

Secretary of Council.

Mr. Holly moved to take a recess till 9 o'clock, p. m.

Ayes and noes called for.

Ayes—Holly, Kenyon, Martine, Oakes—4.

Noes—Beach, Chaffee, Chilcott, Fosher, Gallejos, Hamil-

ton, Hanscome, Harbour, Hayes, Noteware, Powell, Scudder, Steele, Stone, Wilhite, Witter and Mr. Speaker—17.

Ayes 4, noes 17. Lost.

Mr. Noteware moved to take a recess until 7 o'clock, p. m.

Ayes and noes called for.

Ayes—Beach, Gallejos, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder, Steele, Stone, Wilhite and Witter—13.

Noes—Chaffee, Chilcott, Chaffee, Fosher, Hamilton, Hanscome, Harbour, Hayes and Mr. Speaker—8.

Ayes 13, noes 8.

So the motion prevailed, and

The House adjourned.

EVENING SESSION.

House met at 7 o'clock, p. m., pursuant to adjournment.

Rules suspended, and

C. B. No. 24, a bill for an an act to incorporate the Currant Creek and Arkansas River Wagon Road Company,

Was taken up.

Vote on final passage:

Ayes—Chaffee, Chilcott, Holly, Noteware, Oakes, Powell, Scudder, Witter and Mr. Speaker—9.

Noes—Harbour and Hayes—2.

Ayes 9, noes 2.

Bill passed and title agreed to.

H. B. No. 80, a bill for an act making appropriations for the fiscal year ending December 31st, 1863.

Substitute proposed by the Council was, on motion, concurred in.

H. B. No. 144, a bill for an act concerning changes of venue in certain cases,

And substitute,

Were read.

Mr. Hayes moved to indefinitely postpone.

Ayes and noes called for.

Ayes—Barela, Chaffee, Chilcott, Garcia, Hayes, Martine, Powell, Wilhite and Witter—9.

Noes—Beach, Fosher, Hamilton, Hanscome, Harbour, Holly, Kenyon, Noteware, Oakes, Scudder, Steele, Stone, Whittemore and Mr. Speaker—14.

Ayes 9, noes 14.

Lost.

Mr. Holly moved to adopt substitute.

Carried.

Mr. Powell offered the following:

That "Arapahoe" be stricken out wherever it occurs in the bill, and "Jefferson" inserted in lieu thereof.

Ayes and noes called for.

Ayes—Barela, Hamilton, Kenyon and Powell—4.

Noes—Beach, Chaffee, Chilcott, Fosher, Garcia, Hanscome, Harbour, Hayes, Holly, Martine, Noteware, Oakes, Scudder, Slaughter, Steele, Stone, Wilhite, Witter and Mr. Speaker—19.

Ayes 4, noes 19.

Lost.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER, August 15th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 44, a bill for an act to legalize the organizing of counties in certain cases,

And the concurrence of your honorable body is respectfully requested therein.

Also, the Council adheres to their amendment to

H. B. No. 37, a bill for an act concerning the introduction of stock into certain counties for grazing purposes,

And have appointed a committee of conference on the part of the Council, consisting of

Messrs. Graham, Hunt and Mather;

And ask the appointment of a like committee on the part of the House. Very respectfully,

JOHN HOWARD,
Sec'y of Council.

COUNCIL CHAMBER, August 15, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

C. B. No. 43, a bill for an act to amend an act entitled "An act concerning criminal jurisprudence," approved Nov. 5th, 1861,

And respectfully ask the concurrence of the House therein.

Very respectfully,
JOHN HOWARD,
Sec'y of Council.

Mr. Crocker offered an additional section,

Which was adopted.

Vote on final passage of H. B. No. 144:

Ayes—Barela, Chilcott, Fosher, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Kenyon, Noteware, Oakes,

Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—21.

Noes—Beach and Martine—2.

Ayes 21, noes 2.

Bill passed, title agreed to.

H. B. No. 136, a bill for an act to locate the penitentiary of Colorado Territory,

Was taken up and considered.

Mr. Wilhite moved to lay the bill upon the table.

Lost.

Mr. Chilcott moved that the report of the committee be adopted.

Mr. Stone moved to amend to fill blank with "J. L. Gray," in place of "M. G. Pratt."

Ayes and noes called for.

Ayes—Barela, Beach, Garcia, Hamilton, Harbour, Holly, Martine, Scudder, Slaughter, Stone, Whittemore, Wilhite, and Mr. Speaker—13.

Noes—Chaffee, Chilcott, Hanscome, Hayes, Oakes, Powell, Steele and Witter—8.

Ayes 13, noes 8.

Carried.

Mr. Hanscome moved to indefinitely postpone.

Ayes and noes called for.

Ayes—Chaffee, Fosher, Hamilton, Hanscome, Harbour, Hayes, Kenyon, Scudder, Steele, Whittemore, Wilhite and Mr. Speaker—12.

Noes—Barela, Beach, Chilcott, Gallejos, Garcia, Holly, Martine, Noteware, Oakes, Powell, Slaughter, Stone and Witter—13.

Ayes 12, noes 13.

So the motion to indefinitely postpone was lost.

C. J. R. No. 7, to provide for the pay of clerks,

Was taken up.

Mr. Holly moved to indefinitely postpone.

Mr. Slaughter moved to lay the bill on the table.

Lost.

Ayes and noes called for.

Ayes—Chaffee, Hanscome, Harbour, Holly, Scudder, Steele, Whittemore, Wilhite, Witter and Mr. Speaker—10.

Noes—Barela, Beach, Chilcott, Fosher, Gallejos, Garcia, Hamilton, Hayes, Kenyon, Martine, Noteware, Oakes, Powell and Stone—14.

Ayes 10, noes 14.

Lost.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, COL. TER.,
DENVER, Aug. 15th, 1862.

To the Hon. the Speaker of the House of Representatives:

SIR: I have this day approved and signed acts entitled:

An act to incorporate the Empire City, New Pass, Breckinridge and Montgomery City Road Company.

An act to enable citizens of this Territory in the military service of the United States to vote.

An act to incorporate the South Platte and Fontaine-qui-Bouille Irrigating and Ditch Company.

An act to regulate and establish the rates of charging for the publication of legal documents.

An act to amend an act entitled "An act concerning criminal jurisprudence," approved November 5th, 1861.

An act amendatory of an act entitled "An act concerning justices of the peace and constables."

An act to incorporate the Fairplay Ditch and Fluming Company.

An act to amend an act entitled "An act relating to notaries public."

Respectfully,
JOHN EVANS, Governor.

Mr. Powell, from committee of engrossment, reported back H. B. No. 152, as correctly engrossed.

Report received.

Mr. Holly moved to recommit C. J. R. No. 7, to judiciary committee. Carried.

H. B. No. 147, a bill for an act relating to salary of Territorial Superintendent of Common Schools and Territorial Librarian,

Was taken up and put upon its final passage.

Vote on final passage:

Ayes—Barela, Beach, Chaffee, Chilcott, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Steele, Stone, Whittemore, Wilhite and Mr. Speaker—22.

Noes—Witter.

Ayes 22, noes one.

Bill passed and title agreed to.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, AUGUST 15, 1872.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

H. B. No. 77, a bill for an act to incorporate the Clear Creek Wagon Road Company.

Also,

H. B. No. 82, a bill for an act establishing and regulating Territorial roads.

Also,

H. B. No. 131, a bill for an act amendatory of an act concerning probate courts.

Also,

H. B. No. 149, substitute for C. J. R. No. 5, a bill for an act relating to fords,

Passed without amendment.

Respectfully,

JOHN HOWARD,
Sec'y of the Council.

Mr. Chaffee moved to take up

H. B. No. 86, a bill for an act to amend act of incorporation of Colorado and Pacific Wagon Road Company.

Mr. Scuder moved to amend by taking up

H. B. No. 85, relating to the Rocky Mountain Insurance Company.

Mr. Holly moved to lay on the table.

Ayes and noes called for.

Ayes—Beach, Chaffee, Gallejos, Hamilton, Hayes, Holly, Kenyon, Noteware, Scudder, Steele, Stone, Whittemore, Wilhite and Witter—14.

Noes—Barela, Chilcott, Fosher, Garcia, Hanscome, Harbour, Martine, Powell, Slaughter and Mr. Speaker—10.

Ayes 14, noes 10.

Carried.

So the motion was laid on the table.

Judiciary committee reported as follows:

MR. SPEAKER: The judiciary committee, to whom was referred C. J. R. No. 7, report that they have had the same under consideration, and recommend the indefinite postponement of said joint resolution, and recommend the adoption of the House bill upon the same matter, with such amendments as the House may adopt.

CHAS. F. HOLLY,
WILBUR F. STONE,
WM. M. SLAUGHTER,
C. G. HANSCOME,
J. B. CHAFFEE.

Report received.

Mr. Holly moved that the report be adopted.

Carried.

H. B. No. 152 was then taken up.

Mr. Slaughter offered the following amendment:

Sec. ---. That the interpreter of the House of Representatives shall be and is allowed the sum of five dollars per day, and the sergeant-at-arms of the House the sum of three dollars per day.

Mr. Holly moved to amend as follows:

That the sum of five dollars per day be allowed to the interpreters of this House for the time they have actally been engaged in its service as such, to be paid out of any funds in the Territorial Treasury not otherwise appropriated, to be certified to by the Speaker and Chief Clerk, as in other cases; *Provided*, The United States shall refuse to allow said interpreters compensation for their services as such.

Ayes and noes called for.

Ayes---Beach, Hanscome, Harbonr, Holly, Kenyon, Steele, Whittemore, Wilhite and Witter---9.

Noes---Barela, Chaffee, Chilcott, Gallejos, Garcia, Hamilton, Hayes, Martine, Noteware, Oakes, Powell, Scudder, Slaughter, Stone and Mr. Speaker---15.

Ayes 9, noes 15.

Lost.

Mr. Chilcott moved to amend to allow the assistant clerk three dollars a day.

Carried.

The question was then taken on the motion as amended.

Ayes and noes called for.

Ayes---Barela, Beach, Chilcott, Gallejos, Garcia, Hamilton, Hayes, Martine, Oakes, Slaughter and Stone---11.

Noes---Chaffee, Fosher, Hanscome, Harbour, Holly, Kenyon, Noteware, Powell, Scudder, Whittemore, Wilhite, Witter and Mr. Speaker---13.

Ayes 11, noes 13.

Lost.

Mr. Noteware moved the following as an additional section:

That the interpreters be allowed the sum of five dollars per day, and the sergeant-at-arms two dollars per day, and the assistant clerk two dollars per day.

Ayes and noes called for on Mr. Holly's amendment to add "Provided they do not receive pay from the general government."

Ayes---Beach, Chaffee, Fosher, Hamilton, Hanscome, Holly, Kenyon, Oakes, Powell, Scudder, Whittemore and Witter---12.

Noes---Barela, Chilcott, Gallejos, Garcia, Harbour, Hayes, Martine, Noteware, Slaughter, Stone, Wilhite and Mr. Speaker---12.

Ayes 12, noes 12.

So the amendment was lost.

Ayes and noes upon the amendment of Mr. Noteware.

Ayes---Barela, Beach, Gallejos, Garcia, Hamilton, Hayes, Martine, Noteware, Oakes, Powell, Slaughter, Stone, Witter and Mr. Speaker---14.

Noes---Chaffee, Fosher, Hanscome, Harbour, Holly, Kenyon, Scudder and Whittemore---8.

Ayes 14, noes 8.

So the motion prevailed.

Vote on final passage.

Ayes---Barela, Beach, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Martine, Noteware, Oakes, Slaughter and Stone---12.

Noes---Chaffee, Fosher, Harbour, Holly, Kenyon, Powell, Scudder, Whittemore, Wilhite, Witter and Mr. Speaker---11.

Ayes 12, noes 11.

So the bill passed and title agreed to.

PROTEST.---The undersigned protest against the action of the House in virtually taxing the people of this Territory, for the purpose of donating to certain employees of this House, Territorial warrants.

CHAS. F. HOLLY,
EDWIN SCUDDER,
R. R. HARBOUR,
JOS. KENYON,
E. S. WILHITE,
DANIEL WITTER,
J. B. CHAFFEE,
JOHN FOSHER,
O. A. WHITTEMORE,
GEORGE F. CROCKER,
D. POWELL,
DANIEL STEELE.

August 15th, 1862.

Mr. Holly moved that Mr. Steele have leave to record his vote upon the final passage of the bill.

Mr. Speaker declared the motion in order.

Mr. Slaughter took an appeal from the decision of the Chair.

Ayes and noes upon the question,

Shall the House stand by the decision of the Chair?

Ayes—Barela, Beach, Chaffee, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Harbour, Holly, Kenyon, Martine, Noteware, Oakes, Powell, Scudder and Wilhite—17.

Noes—Hayes, Slaughter, Stone and Witter—4.

Ayes 17, noes 4.

Chair sustained.

Mr. Chaffee moved that the members coming in since the bill passed be allowed to vote.

Lost.

Vote upon Mr. Holly's motion to allow Mr. Steele to vote:

Ayes and noes called for.

Ayes—Beach, Chaffee, Hamilton, Hanscome, Holly, Kenyon, Powell, Scudder, Stone and Wilhite—10.

Noes—Barela, Fosher, Gallejos, Garcia, Harbour, Hayes, Martine, Noteware, Oakes, Whittemore, Witter and Mr. Speaker—12.

Mr. Holly moved to amend title as follows:

A bill to depreciate territorial warrants by donating them to certain employees of the House, who are paid for their services by the general government.

Lost.

Title agreed to.

Mr. Fosher moved to reconsider the vote whereby the House refused to concur in Council amendment to

H. B. No, 31, a bill for an act fixing the time of the meeting of the Legislative Assembly.

Mr. Witter moved to lay the motion upon the table.

Ayes and noes call for.

Ayes—Barela, Chaffee, Hanscome, Harbour, Hayes, Holly, Powell, Scudder, Whittemore, Wilhite, Witter and Mr. Speaker—12.

Noes—Fosher, Gallejos, Garcia, Hamilton, Kenyon, Martine, Noteware, Oakes, Slaughter, Steele and Stone—11.

Ayes 12, noes 11.

Carried.

Mr. Witter moved the adoption of the following joint resolution:

Resolved, by the Council and House of Representatives of Colorado Territory, That this Legislature adjourn *sine die*, to-night, at 12 o'clock.

Mr. Slaughter moved to lay the motion upon the table.

Ayes and noes called for.

Ayes—Beach, Chilcott, Fosher, Gollejos, Garcia, Hamilton, Hanscome, Harbour, Hayes, Holly, Noteware, Oakes, Powell, Slaughter, Steele, Stone, Wilhite and Witter—18.

Noes—Barela, Chaffee, Martine, Whittemore and Mr. Speaker—5.

Ayes 18, noes 5.

So the motion prevailed,

And the resolution was laid upon the table.

H. B. No. 37, was taken up.

Mr. Steele moved to indefinitely postpone.

Mr. Holly moved to recede.

Mr. Witter moved for a committee of conference.

Ayes and noes called for.

Ayes—Barela, Beach, Chaffee, Chilcott, Fosher, Hamilton, Hayes, Kenyon, Oakes, Powell, Slaughter, Steele, Stone, Whittemore, Wilhite, Witter and Mr. Speaker—17.

Noes—Gallejos, Garcia, Harbour, Holly, Martine and Scudder—6.

Ayes 17, noes 6.

Carried.

The Speaker appointed as such committee,

Messrs. Witter, Holly and Steele.

Mr. Wilhite introduced a joint memorial.

Ayes and noes on ordering the memorial to a third reading.

Ayes—Barela, Chilcott, Gallejos, Garcia, Hamilton, Holly, Martine, Oakes, Powell, Scudder, Steele, Whittemore and Wilhite—13.

Noes—Chaffee, Fosher, Hanscome, Harbour, Hayes, Kenyon, Noteware, Slaughter, Stone, Witter and Mr. Speaker—11.

Ayes 13, noes 11.

Lost.

Requiring a two-thirds vote.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 15th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed the following bills, without amendment:

H. B. No. 104, a bill for an act to amend an act entitled "An act to incorporate the Camp Weld and Denver Ditch and Watet Company."

H. B. No. 130, a bill for an act amendatory of an act concerning wills, executors and administrators.

H. B. No. 146, a bill for an act requiring clerks of district courts to give bonds.

H. J. M. No. 6, a memorial to the P. M. General, for a tri-weekly mail to Boulder City.

Also,

C. B. No. 12, a bill for an act concerning bail and insolvent debtors.

And the concurrence of your honorable body is requested.

Very respectfully,

JOHN HOWARD,

Sec'y of the Council.

Mr. Kenyon being called to the chair,

Mr. Holly moved the adoption of the following resolution:

Resolved, That the thanks of this House are due the Hon. George F. Crocker, the Speaker thereof, for the able and impartial manner in which he has presided over its deliberations during its present session.

Also, to the Hon. Wm. Train Muir, Chief; Clerk to E. P. Elmer; Ass't Clerk; to M. G. Pratt, Esq., Engrossing Clerk; to Chas. M. Ferrell, Esq.; and his Ass't Enrolling Clerks, for the prompt and accurate manner in which they have discharged their respective duties.

Also, to Capt. R. Sopris, Sergent-at-arms; to Jas. McGaree, Esq., Foreman, and to Masters Pratt and Crafton, Pages, for the zealous and very satisfactory manner in which they have performed their functions respectively.

Adopted.

Mr. Harbour moved the adoption of the following resolution:

Resolved, That the thanks of this House are hereby tendered to Prof. D. C. Dominguez, for the able and efficient manner in which he has discharged the duty of Interpreter of the Spanish language, to this House, and that a manuscript copy of this resolution, properly authenticated be placed at the disposal of the said Prof. D. C. Dominguez.

Adopted.

Mr. Hanscome moved to suspend the rules to take up C. B. No. 12, concerning bail and insolvent debtors.

Mr. Slaughter moved to refer to the committee of judiciary.

Carried.

C. B. No. 43, a bill for an act to amend an act entitled "an act concerning criminal jurisprudence,"

Was taken up,

Read a first and second times by title, and referred to committee of judiciary.

Mr. Harbour moved to appoint a committee of three to confer with a like committee of the Council to ascertain the amount of unfinished business, and the probable hour of adjournment.

Speaker appointed

Messrs. Harbour, Hayes and Barela, such committee.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER, August 15th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed the following bills:

H. B. No. 152, a bill for an act to provide for the payment of the clerks.

C. B. No. 46, a bill for an act to provide for the appoint-

ment of commissioners to report a system of law practice, and the concurrence of the House is respectfully requested.

Very respectfully,
JOHN HOWARD,
Sec'y of the Council.

Mr. Fosher moved to take up

C. B. No. 32, a bill for an act to incorporate the Vasquez River Mining Company.

The bill was taken up, read a first and second times, and referred to committee of

Messrs. Hanscome, Fosher and Kenyon.

Report of committee.

The committee of judiciary reported back

C. B. No. 43, a bill for an act to amend an act entitled "An act concerning criminal jurisprudence," approved Nov. 5th, 1861, with the recommendation that the bill do pass.

Mr. Harbour, from committee, made a verbal report.

Received.

C. B. No. 43, considered:

Mr. Powell moved that the bill be indefinitely postponed.

Ayes and noes called for.

Ayes—Barela, Beach, Fosher, Gallejos, Hamilton, Harbour, Kenyon, Oakes, Powell, Slaughter and Mr. Speaker—11.

Noes—Chilcott, Garcia, Hanscome, Hayes, Noteware, Stone, Wilhite and Witter—8.

Ayes 11, noes 8.

Carried.

Mr. Hanscome made the following report:

MR. SPEAKER: The judiciary committee to whom C. B. No. 12, a bill for an act concerning bail and insolvent debtors, have had the same under consideration and in the absence of the chairman beg leave to report and recommend that the same be passed.

C. G. HANSCOME,
W. F. STONE.

Report received.

MESSAGES FROM THE COUNCIL.

COUNCIL CHAMBER, Aug. 15th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed, without amendment,

H. B. No 153, a bill for a joint resolution relating to the elections of members of the next Legislative Assembly.

Very respectfully,
JNO. HOWARD,
Secretary of the Council.

COUNCIL CHAMBER, Aug. 15th, 1862.

Mr. SPEAKER: I am instructed to inform the House that the Council has receded from its amendmen to H. B. No. 37, a bill for an act to prevent the introduction of stock into the counties of Huerfano, Pueblo and Fremont for the purpose of grazing.

Very respectfully,
JOHN HOWARD,
Sec'y of the Council.

C. B. No. 12, a bill for an act concerning bail and insolvent debtor,

Was taken up and read a third time.

Mr. Witter moved to indefinitely postpone.

Ayes and noes called for.

Ayes—Harbour, Kenyon, Powell, Slaughter, Steele and Witter—6.

Noes—Barela, Beach, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Noteware, Oakes, Scudder, Stone, Whittemore, Wilhite and Mr. Speaker—15.

Ayes 6, noes 15.

Lost.

Mr. Beach from committee of enrollment reported as follows:

MR. SPEAKER: Your committee on enrollment beg leave respectfully to report the following bills correctly enrolled:

H. B. No. 152, a bill for an act to provide for the payment of the clerks.

H. J. M. No. 6, a memorial to the P. M. General for a tri-weekly mail to Boulder City.

H. B. No. 153, a bill for an act for a joint resolution relating to the election of members of the next Legislative Assembly.

Report received.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, COL. TER.
DENVER, August 15th, 1862.

To the Hon. Speaker of the House of Representatives:

SIR: I have this day approved and signed acts entitled

An act incorporating the Idaho and Missouri City Wagon Road Company.

Joint resolution asking Congress to amend the organic act so as to extend the jurisdiction of Probate and Justices' Courts.

An act making appropriations for the fiscal year ending December 31st, 1863.

An act relating to fords.

An act amendatory of an act concerning Probate Courts

An act amendatory of an act entitled "An act granting a lien in favor of mechanics in certain cases," approved Nov 4th, 1861.

An act to enable road, ditch, manufacturing and other companies to become bodies corporate.

Respectfully
JOHN EVANS, Governor.

Mr. Powell moved that the House take a recess of thirt minutes.

Ayes and noes called for.

Ayes—Harbour, Powell, Steele, Stone, Witter and Mr. Speaker—6.

Noes—Barela, Beach, Fosher, Gallejos, Garcia, Hamilton, Hanscome, Hayes, Kenyon, Noteware, Oakes, Scudder, Whittemore and Wilhite—14.

Ayes 6, noes 14.

Lost.

Mr. Powell moved to lay the bill on the table.

Ayes and noes called for.

Ayes—Gallejos, Harbour, Kenyon, Powell, Slaughter and Witter—6.

Noes—Barela, Beach, Garcia, Hamilton, Hanscome, Hayes, Martine, Noteware, Oakes, Scudder, Stone, Whittemore and Mr. Speaker—13.

Ayes 6, noes 13.

Lost.

Mr. Witter moved to strike out section 14.

Ayes and noes called for.

Ayes—Gallejos, Harbour, Kenyon, Powell, Slaughter, Witter and Mr. Speaker—7.

Noes—Barela, Beach, Fosher, Garcia, Hamilton, Hanscome, Hayes, Martine, Noteware, Oakes, Scudder, Steele, Stone and Whittemore—14.

Ayes 7, noes 14.

Lost.

Mr. Powell, moved to strike out section 17.

Ayes and noes called for.

Ayes—Barela, Beach, Chilcott, Fosher, Garcia, Harbour, Holly, Kenyon, Martine, Noteware, Powell, Steele, Stone, and Witter—14.

Noes—Gallejos, Hanscome Hayes, Oakes, Scudder, Whittemore and Mr. Speaker—7.

Ayes 14, noes 7.

Carried.

Mr. Hamilton from committee of enrollment submitted the following report:

MR. SPEAKER: Your committee on enrollment would make the following report, that H. B. No. 77, a bill for an act to incorporate the Clear Creek Wagon Road Company, as correctly enrolled.

Report received.

A committee consisting of Messrs. Hunt, Arnold and Colby, appeared within the bar of the House and asked for a like committee from the House, to wait upon his Excellency, the Governor to ascertain if he had any further communications to make to the Legislative Assembly.

Messrs. Slaughter, Whittemore and Steele, were appointed by the Speaker as such committee.

MESSAGE FROM THE COUNCIL.

COUNCIL CHAMBER August, 15th, 1862.

MR. SPEAKER: I am instructed to inform the House that the Council has passed

H. B. No. 90, a bill for an act to divide the Territory of Colorado into judicial districts, and to provide for the time of holding courts in the same, with the enclosed amendments.

Also,

H. B. No. 141, a bill for an act explanatory of an act to confirm and legalize certain acts of the people prior to the organization of Colorado Territory.

Verry respectfully,
JNO. HOWARD,
Secretary of Council.

C. B. No. 12, a bill for an act concerning bail and insolvent debtors,

Was, on motion, laid on the table.

Mr. Slaughter reported that the committee had waited on the Governor, and His Excellency informed the committee that he had a communication to make to the House.

Mr. Holly moved to concur in amendment proposed by the Council to H. B. No. 90.

Carried.

The House took a recess.

After recess the House was called to order,

The Speaker in the Chair.

Mr. Holly offered the following resolution, and moved its adoption:

Resolved, That the chief clerk of the House, at the close of the session, shall deposit all original bills and papers whatever, which he shall have received as such, in the hands of the Secretary of the Territory.

Adopted.

Mr. Wilhite, from committee of enrollment, submitted the following report:

Mr. SPEAKER; Your committee on enrollment report the following bills correctly enrolled:

H. B. No. 120, a bill for an act to amend an act entitled "An act relating to notaries public."

H. B. No. 110, a bill for an act to amend an act entitled "An act concerning criminal jurisprudence," approved Nov. 5, 1861.

H. B. No. 91, a bill for an act amendatory of an act entitled "An act concerning justices of the peace and constables."

H. B. No. 134, a bill for an act to incorporate the Fairplay Ditch and Flaming Company.

H. J. R. No. 3, asking Congress to amend the organic act so as to extend the jurisdiction of probate and justices courts.

H. B. No. 80, a bill for an act making appropriations for the fiscal year ending December 31st, 1863.

H. B. No. 106, a bill for an act incorporating the Idaho and Missouri City Wagon Road Company.

H. B. No. 78, a bill for an act to enable road, ditch, manufacturing and other companies to become bodies corporate.

H. B. No. 83, a bill for an act amendatory of an act entitled "An act creating a lien in favor of mechanics in certain cases," approved November 4th, 1861.

H. B. No. 129, a bill for an act to revive certain judgments of miners and other courts, by *scire facias*.

H. B. No. 131, a bill for an act amendatory of an act concerning probate courts.

H. B. No. 149, a bill for an act relating to fords.

H. B. No. 82, a bill for an act establishing and regulating Territorial roads.

H. B. No. 111, a bill for an an act to apportion the Territory of Colorado into Council and Representative districts.

H. B. No. 130, a bill for an act amending an act concerning wills, administrators and executors.

H. B. No. 146, a bill for an act requiring clerks of district courts to give bonds.

H. B. No. 104, a bill for an act to amend an act to incorporate the Camp Weld and Denver City Ditch Company.

H. B. No. 37, a bill for an act to prevent the introduction of stock into Pueblo, Boulder and other counties, etc.

H. B. No. 141, a bill for an act explanatory of an act to confirm and legalize certain acts of the people prior to the organization of Colorado Territory.

H. B. No. 90, a bill for an act to divide the Territory of Colorado into judicial districts, and to provide for the time of holding courts in the same.

J. R. No. 6, relating to the election of members of the Legislative Assembly.

E. S. WILHITE, Ch'n.

Report received.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, COL. TER. }
DENVER, Aug. 15th, 1862. }

To the Hon. the Speaker of the House of Representatives:

SIR: I have this day approved and signed acts entitled:

An act to apportion the Territory of Colorado into Council and Representative districts.

An act establishing and regulating Territorial roads.

An act to amend an act entitled "An an act to incorporate the Camp Weld and Denver Ditch and Water Company."

An act amendatory of an act concerning wills, executors and administrators.

An act requiring clerks of district courts to give bonds.

An act to incorporate the Clear Creek Wagon Road Company.

An act to provide for the payment of clerks.

A memorial to the P. M. General for a tri-weekly mail to Boulder City.

An act to prevent the introduction of stock into the counties of Huerfano, Pueblo, Frémont, Jefferson, Boulder and Costilla, for the purpose of grazing.

An act to confirm and legalize certain acts of the people prior to the organization of Colorado Territory.

An act to revive certain judgments of the miners' and other courts, by *scire facias*.

An act explanatory of an act to confirm and legalize certain acts of the people prior to the organization of Colorado Territory.

An act to divide the Territory of Colorado into judicial districts, and to provide for the time of holding courts in the same.

A joint resolution relating to the election of members of the next Legislative Assembly.

Respectfully,

JNO. EVANS, Governor.

Mr. Slaughter reported as follows:

MR. SPEAKER: Your special committee, appointed to wait upon His Excellency, Governor Evans, have complied with your request, and His Excellency desires us to express his hope that your labors may meet the approbation of your constituents, and to return to you his thanks for your uniform courtesy and consideration.

WM. M. SLAUGHTER, Ch'n.

Report received.

Mr. Holly moved to appoint a committee to wait upon the Legislative Council, and inform that honorable body that the House was now ready to adjourn.

Carried.

The Speaker appointed

Messrs. Holly, Beach and Harbour

Shortly thereafter, a committee from the Council, consisting of

Messrs. Hu[illegible]

Appeared within the bar of the House, and informed the House that the Council was now ready to adjourn.

Whereupon, Mr. Harbour moved that the House do now adjourn *sine die*.

Which was carried.

And the honorable Speaker then declared the House of Representaiives of Colorado Territory adjourned *sine die*.

WM. TRAIN MUIR,

Chief Clerk House of Representatives, Col. Ter.